

CITY OF CLAYTON BOARD OF ALDERMEN
EXECUTIVE SESSION
TUESDAY, JANUARY 10, 2017 - 6:15 P.M.
CLAYTON CITY HALL - COUNCIL CHAMBERS
10 N. BEMISTON AVENUE

Subject to a motion duly made in open session and a roll call vote pursuant to Section 610.022 the Board of Aldermen may also hold a closed meeting, with a closed vote and record for one or more of the reasons as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, negotiation of a contract pursuant to Section 610.021(12) RSMO., proprietary information pursuant to Section 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO.

Agenda topics may be added or deleted at any time prior to the Board of Aldermen meeting without further notice. To inquire about the status of agenda topics, call 290.8469. Individuals who require an accommodation (i.e., sign language, interpreter, listening devices, etc.) to participate in the meeting should contact the City Clerk at 290.8469 or Relay Missouri at 1.800.735.2966 (TDD) at least two working days prior to the meeting.

CITY OF CLAYTON BOARD OF ALDERMEN AGENDA
TUESDAY, JANUARY 10, 2017 – 7:00 P.M.
CLAYTON CITY HALL - COUNCIL CHAMBERS
10 N. BEMISTON AVENUE

ROLL CALL

MINUTES – December 20, 2016

PUBLIC REQUESTS & PETITIONS

PUBLIC HEARING

1. Ordinance – To consider repealing Ordinance No. 6444 and 6445 and approving an amended Special Development District for the Centene Clayton Campus Project. (Bill No. 6593, Bill No. 6594)
 - *To consider an application requesting amendments to the Special Development District ordinance and Special Development District Plan to allow for various changes.*
2. Ordinance – To approve a Special Development Subdistrict Plan, Subdistrict 1 for the Centene Clayton Campus Development. (Bill No. 6595)
 - *To consider approval of the Subdistrict 1 project located on the east side of Hanley Road between Forsyth Boulevard and Carondelet Plaza.*
3. Ordinance – To approve a Special Development Subdistrict Plan, Subdistrict 2A for the Centene Clayton Campus Development. (Bill No. 6596)
 - *To consider approval of the Subdistrict 2A project located on Forsyth Boulevard, east of Lyle Avenue.*

REPORT FROM THE CITY MANAGER

1. Ordinance - To consider revisions to Clayton Code of Ordinances, Chapter 215, Offenses. (Bill No. 6597)
 - *To consider amendments to include new sections and amending existing sections to provide consistency with the revised Missouri State Statutes.*
2. Ordinance – To approve an amendment to the FY2016 4th Quarter Budget. (Bill No. 6598)
 - *The City of Clayton reviews and makes adjustments to its budgeted revenues and expenditures on a quarterly basis to respond to changes as the fiscal year progresses and to update the Board regarding budgetary issues.*

ADJOURNMENT

Subject to a motion duly made in open session and a roll call vote pursuant to Section 610.022 the Board of Aldermen may also hold a closed meeting, with a closed vote and record for one or more of the reasons as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, negotiation of a contract

pursuant to Section 610.021(12) RSMO., proprietary information pursuant to Section 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO.

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THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
December 20, 2016
7:00 p.m.

Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Cynthia Garnholz, Mark Winings, Joanne Boulton, Alex Berger, Rich Lintz, and Ira Berkowitz.

Mayor Sanger
City Manager Owens
City Attorney Heinz

Alderman Boulton moved to approve the December 13, 2016. Alderman Winings seconded.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

A MOTION TO CONSIDER AN APPEAL OF AN ADMINISTRATIVE ARCHITECTURAL REVIEW BOARD DECISION FOR 8121 PERSHING AVENUE

City Manager Owens reported that this is an appeal submitted by Gail Lynn Elble and Janice R. Hoffman, owners of 8117 Pershing Avenue, of the administrative approval of a window located at the northeast corner of the home addressed 8121 Pershing Avenue.

On April 4, 2016, the Architectural Review Board approved the construction of a 2-story, 823-square-foot addition to the rear of the home addressed 8117 Pershing Avenue and an 84-square-foot addition to the west side of the existing detached garage at the same address (staff report and meeting minutes attached). The appeal alleges that notification of the 8121 Pershing Avenue project was not received by Ms. Elble and Ms. Hoffman until after the April 4, 2016 meeting. The Planning Department's records indicate that the notification mailing list was generated on March 28, 2016, which included Ms. Elble and Ms. Hoffman at 8117 Pershing Avenue; the meeting agenda would have been mailed no later than March 29th.

During the course of construction, it was discovered that the contractor had begun the installation of a window at the northeast corner of the addition that was not part of the approved plans. On November 1, 2016, an application to amend the approved building permit was submitted which depicted the subject window. On November 2, 2016, the City Manager approved the amendment and construction commenced.

Pursuant to Section No. 400.230 "Appeals", an aggrieved party may, within 15 days of the decision for which redress is sought, file with the Board of Aldermen a written request for reconsideration and appeal of any decision of the Architectural Review Board. The written request must set forth in a concise manner the decision being appealed and all grounds known

to the appellant as to wherein and why the decision is allegedly in error. The appeal was submitted to the City Clerk on November 10, 2016. Section 400.230 also requires the aggrieved party to provide a copy of the appeal and supporting documents to the applicant within three days of filing and that proof of service be provided to the City Clerk within six days of filing; proof of service was received by the City Clerk on November 15, 2016.

Staff has reviewed the appeal application and the rationale provided by the appellant as to why they object to the approval of the addition of a window. The appeal states that the window greatly impinges on the appellants' privacy, however, nowhere does it allege that the decision made to approve the window was in error; pursuant to the requirements of Section No. 400.230 above. Therefore, staff is of the opinion that the appellant has not provided sufficient grounds for a request for an appeal and it should be denied.

Recommendation is to consider the appellants' written request for an appeal of the Administrative Architectural Review Board decision along with the staff's analysis as set forth in this report. The Board may consider the appeal on the record of the City Manager's decision, or may, at its sole discretion, receive additional evidence in such manner as it deems appropriate in light of the circumstances. The Board shall approve, modify or disapprove the appeal.

Gail Elble and Janice Hoffman, owners, 8117 Pershing Avenue, addressed the Board with their concerns regarding privacy. Ms. Elble stated that they are asking the Board to appeal the decision of the Architectural Review Board with regard to the second floor window on the new addition at 8121 Pershing Avenue. She stated that the window was not included in the original plans and while they were out of town in Florida the window was installed facing their swimming pool. She stated that the city inspectors did not follow-up during the construction process and therefore a window was installed without the City's knowledge. She said that after contacting the City they were assured that the window would not be allowed, but then was informed that the window was administratively approved.

Mayor Sanger explained that administrative approvals are a normal process which is done hundreds of times in the course of business in the City. This issue was determined to not be a major change as it was facing the Thompson's rear yard and therefore approved administratively which is the issue that is being appealed.

Alderman Berkowitz stated that he is trying to understand the "gravity" of the complaint and what is the issue with regard to this particular window. He commented that he probably does not notice his neighbors' windows in their back yard and wanted to know of Ms. Elble and Ms. Hoffman's concerns.

Ms. Elble stated that her concern is the behavior of their neighbors. They now have a window and will be able to look into their back yard and swimming pool (i.e. children throwing debris into the pool, climbing on the fence, pointing, etc.)

Mayor Sanger stated that clearly this is not the first issue that has come about between the neighbors. There have been multiple police calls (on both sides) and he feels/hopes that this is an end of a very long string of issues between these neighbors. He expressed that he is sorry that this has happened to both parties involved.

Ms. Hoffman stated that their relationship with their neighbors at the 8121 property has not been a stellar relationship for many years. She stated that if the Planning and Development people had done what they needed to do and enforce the ordinances set forth by the City a lot of this angst would not be happening. She noted that both she and Ms. Elble contacted the City with regard to several maintenance/construction issues. i.e. a construction fence that had not been

installed at the proper time, a hole in the backyard that was a safety hazard, and mud created from a front yard project which should have required a silt fence. She feels that the window impinges on their property by looking over their pool therefore invading their privacy.

Mayor Sanger stated that he recognizes the passion involved and that the Board of Aldermen is not the Housing Court. The issues Ms. Hoffman speaks of are issues that would come back through the system and be resolved through the City's systems of dealing with those issues. He is sorry that she is not happy with the way things are dealt with, but what is before the Board tonight is whether or not the Thompsons can have a window. he explained that living in an "urban" area with 50 foot lots the vast majority of houses have windows that people can see one yard or another from including your own yard.

Mayor Sanger explained that the window was approved administratively by the City through the proper "channels". There are items/issues that are approved by the City Manager that neither the Board nor the Planning Commission would see or review because they are deemed to be not major changes. A change of a person wanting to have a window that overlooks their backyard is not a major change and they cannot administrate line of site, no one owns the "air" above the fence.

Mayor Sanger expressed that he is sympathetic and is very sorry that the neighbors do not get along, there is a history of the issues and he will not go into who is right or who is wrong. What is before the Board tonight is to make a determination as to whether the window that was approved administratively was appropriate or not.

Ms. Hoffman commented on the property violation notice that they recently received with regard to their home and that she has spoken with Susan Istenes. She asks that the neighbors stop the issue of "tit-for-tat" which is wrong and upsetting and no one needs the stress.

Mayor Sanger stated that it is typical in the community that requests for property inspections are received from neighbors which is not an unusual circumstance. He noted that Ms. Istenes would not enforce the violation until the weather is cooperative. Ms. Hoffman confirmed that she has already spoken with Ms. Istenes.

Ms. Hoffman thanked the Mayor and Board of Aldermen. She also thanked City Manager Owens for the call received earlier today with regard to the water and commented that she had wished her neighbor was neighborly enough to have made the call. City Manager Owens stated that it was the neighbor, Mr. Thompson, who had called him out of concern and asked him to contact them.

In response to Alderman Boulton's question, Susan Istenes stated that the construction is ongoing and the construction fencing has been installed.

Alderman Garnholz moved to deny the appeal. Alderman Winings seconded.

The motion passed 6 – Ayes to 1 – Nay (Alderman Boulton) vote.

BOARD UPDATE ON STATUS OF ONGOING PROJECTS

City Manager Owens updated the Board on significant projects that are anticipated to be completed in the next twelve months. The list of projects (provided in the Board packet) currently has more than 120 items and is organized by the staff member responsible for implementation. The projects included are in progress, completed projects are removed from the list. The list ranges from public-facing projects such as website enhancements and

sidewalk/roadway improvements to behind-the-scenes initiatives including strategic planning and software upgrades.

In response to Alderman Boulton's question with regard to the elevator project, City Manager Owens stated that both elevators will be worked on at the same time.

In response to Alderman Berkowitz's question with regard to the St. Louis County courts project, City Manager Owens confirmed that the tree grates have been installed. Alderman Garnholz commented that Meramec Avenue is now open in both directions.

In response to Alderman Lintz's question regarding staffing in the Planning Department, City Manager Owens confirmed that they have interviewed and extended an offer of employment to Anna Krane, a CHS graduate, for the planner position.

In response to Alderman Boulton's question regarding the Apogee project, City Manager Owens explained that the Apogee project is on the list in error.

In response to Mayor Sanger's question, City Manager Owens stated that the Passport Parking App will go live in January.

In response to Alderman Berkowitz's question, City Manager Owens confirmed that the City is offering free parking for a year for up to three people who sign up during a certain period of time.

In response to Alderman Lintz's question, City Manager Owens stated that "ambassador" training is scheduled for the new parking features.

In response to Alderman Mayor's question regarding the design buildout of 10 S. Brentwood Boulevard, City Manager Owens stated that a request for proposals has been created and is moving forward.

In response to Alderman Berkowitz's question with regard to the restructuring of the courts as required by the State Statutes, City Manager Owens stated that staff had a meeting with the city attorney, judge, and prosecuting attorney and reviewed the items that needed to be addressed and performed a self-evaluation of compliance. Everyone agreed that the City is in compliance on a majority of the issues and issues that need to be updated they will send a plan and letter from Judge Dulle to the supervising judge stating how the City will gain compliance.

In response to Mayor Sanger's question regarding the bike path presentation, Alderman Boulton stated that she would like to review the old bike plan and see if there is any low cost items that can be implemented (i.e. bike marking, wayfinding) especially as it relates to the Brentwood Boulevard resurfacing. She felt that the presentation was a good idea in order for the Board to become more educated. She feels it would be worth it to become part of a larger regional bike sharing plan.

Alderman Berger commented that bike marking is not that simple in terms of the opinions of some residents (i.e. Polo Subdivision) and drawing lines on the streets does not ensure safety.

Other

Alderman Garnholz expressed birthday greetings to Alderman Berger.

Alderman Boulton reported that the Plan Commission unanimously approved the Centene project, amendment of the SDD and Subdistrict 1 and Subdistrict 2A. In terms of public input, there were two people present from The Plaza; no one from The Crescent spoke, and they received one email prior to the meeting from a resident at The Crescent to which those issues were addressed; there were two people from The Plaza, one of which was in a wheel chair, who brought up mobility issues. Centene had previously met with staff and agreed to all staff recommendations. She noted that although they were not considering Subdistrict 2C, the residential portion (eastern side); Centene has started the preliminary planning.

Herbie's Restaurant "artwork" was approved.

Alderman Berger stated that the members of the Plan Commission had done an outstanding job of taking the information presented to them for the Centene project, making their assessment, and voicing their concerns in a very direct, informed, and candid way. This process has allowed for a good strong public/private partnership that created outcomes and found ways to make changes that the developer clearly understood. Changes made on behalf of input from the Commission and citizens who had come forward with concerns. He complimented all of the members of the Commission.

Alderman Berger commended the Public Works Department on the great job over the weekend with keeping our streets clear.

Alderman Berkowitz stated the CCF Major Gifts Committee met today and they are already at work on the projects that were agreed to and approved by the Board. There was conversation with regard to options for accomplishing a "green" alley. They have acknowledged that there needs to be a master plan for DeMun Park and once they have the numbers they can begin fundraising efforts.

Mayor Sanger announced that they are expecting grandchild number five; leaving tomorrow for Florida returning after the first of the year.

There being no further business the meeting was adjourned at 8:15 p.m.

Mayor

ATTEST:

City Clerk



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR SANGER; BOARD OF ALDERMEN

FROM: CRAIG S. OWENS, CITY MANAGER
SUSAN ISTENES, AICP, DIRECTOR OF PLANNING & DEV. SERVICES

DATE: JANUARY 10, 2017

SUBJECT: PUBLIC HEARING – AMENDMENT TO REZONING AND SPECIAL DEVELOPMENT PLAN FOR THE CENTENE CLAYTON CAMPUS

The information below is summarized from the Staff Report that was prepared for the December 19, 2016, meeting of the City's Plan Commission and Architectural Review Board. The complete staff analysis and findings are found within that report which is attached hereto.

REQUESTED ACTION

To consider an amendment to the original rezoning to SDD and the Special Development Plan for the Centene Clayton Campus, which were approved by the Board of Aldermen on September 27, 2016, via Ordinance Nos. 6444 and 6445.

The specific revisions are as follows:

1. Enlarge the boundary of Subdistrict 1, toward the east, to include the area between the current east boundary of Subdistrict 1 and (South) Lyle Avenue.
2. Decrease the area of Subdistrict 2 and divide Subdistrict 2 into three separate subdistricts:
 - A. Subdistrict 2A (parking structure and retail land uses)
 - B. Subdistrict 2B (corporate auditorium)
 - C. Subdistrict 2C (residential and retail land uses)
3. (South) Lyle Avenue will not be relocated. It will remain in its current location (between new Subdistrict 1 and Subdistricts 2A/2C) with the following changes:
 - A. Widened to accommodate two northbound lanes to provide separate left and right turn lanes and one southbound lane with parallel parking.
 - B. All drive lanes will meet city standards of 12' 0" wide, with the City standard streetscape and lighting defining both sides of the reconfigured (south) Lyle Avenue.
4. Allow left turns onto Forsyth from Subdistrict 1 and Subdistrict 2A Forsyth Parking garage entrances as well as from (south) Lyle Avenue.

5. Align Subdistrict 1 garage entrance with signaled Forsyth intersection at (north) Lyle Avenue. Align Subdistrict 2A garage entrance with signaled Forsyth Boulevard intersection with Lee Avenue.
6. In Subdistrict 1, remove southwest alley entrance ramp (across/west of The Crescent) to below grade parking.
7. Adjust Subdistrict 1 internal ramping to allow for limited ingress/egress through the remaining north alley entrance.
8. Incorporate building massing step down to (south) Lyle on the east end of the Subdistrict 1 parking structure.
9. The location of the corporate auditorium shifts from Subdistrict 3 to Subdistrict 2B.
10. Shift a portion of the planned residential units from the previous Subdistrict 2 to Subdistrict 2C and shift 50-70 units to Subdistrict 3.
11. Increase the maximum allowable height of the residential structures in Subdistrict 2C from 100 feet to 150 feet above referenced grade.
12. Incorporate various minor adjustments to office, retail, residential, assembly, corporate loading and parking areas across all subdistricts.

If the amendment is approved, the existing SDD zoning ordinance and Special Development District Plan (general plan) will be modified pursuant to the Special Development District SDD submittal attached hereto, dated December 19, 2016.

Each Subdistrict requires separate approval of individual subdistrict plans for each of the six subdistricts. Subdistrict Plans for Subdistrict 1 and 2A are also being considered at this time as separate agenda items. The Site Plan Review (by the Plan Commission), and Architectural Review (by the Architectural Review Board) for Subdistrict Plans 1 and 2A, were approved by the Plan Commission/ARB on December 19, 2016.

CRITERIA FOR APPROVAL & ANALYSIS

Section 405.1210(A) of the zoning regulations lists eight criteria of approval of special development plans designed to achieve the goals as set forth in Section 405.1160 of Article IX: Special Development District. The Board of Aldermen shall take these criteria into consideration when deliberating and acting upon the Special Development Plan:

1. The proposed development, including proposed phases and schedule, is in harmony with general purposes and intent of Chapter 405 of the Municipal Code and is compatible with and implements the planning goals and objectives of the City;
2. Streets or other means of access to the proposed development meet City of Clayton standards and are suitable to carry anticipated traffic;
3. The internal circulation system of the proposed development encourages safe movement for vehicles and pedestrians;
4. Existing or proposed utility services are adequate for the proposed development;
5. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;
6. The proposed development preserves unique environmental features of the property;

7. The proposed height, arrangement and uses of the proposed development are compatible with the surrounding neighborhood and the City as a whole;
8. The proposed development complies with all other applicable codes and ordinances.

In summary, staff finds that the proposed development is in harmony with the zoning regulations and implements the planning goals and objectives of the City. Streets and other means of access to the proposed development meet City of Clayton standards and are suitable to carry anticipated traffic. Existing utility services are adequate and appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts. The proposed height, arrangement and uses of the proposed development are compatible with the surrounding neighborhood and the City as a whole and otherwise comply with all other applicable codes and ordinances.

PUBLIC BENEFIT

In exchange for waivers of certain requirements of Chapter 405, public benefit shall be provided as determined by the Plan Commission and Board of Aldermen. The public benefits identified by the applicant are as follows:

- i. The project will add thousands of workers in Downtown Clayton, extend the City of Clayton's central business district to the east, add ground floor retail and other amenities extending from Hanley Road to Forest Park Parkway include a 900 to 1,000 seat auditorium, and residential apartment units.
- ii. The development will integrate public open space with public art installations while extending Clayton's signature streetscape to several city blocks.
- iii. The project advances the City's desire for mixed use density connecting to transit while enhancing the pedestrian experience with dynamic, walkable and friendly streets.
- iv. The SDD application seeks to rezone 23 parcels of land into one cohesive phased development while minimizing the impact of construction operations.
- v. The proposed development includes expansive and extraordinary landscaping and greenspace provisions in support of numerous public plazas located throughout the campus.
- vi. Each Subdistrict's garage entryway(s) has been carefully studied and resulting locations represent the most efficient locations for operations while minimizing automobile impacts to the surrounding community.
- vii. Each Subdistrict's architectural vocabulary is a combination of cohesive modern forms and proportionality informed by the existing vernacular exhibited by the City of Clayton.
- viii. Each Subdistrict will utilize building materials similar in quality to the existing Centene Plaza.
- ix. Rather than possibly proposing multiple individual developments, the proposal provides for the master planning of a large portion of Clayton's urban core, resulting in a cohesive impact to the community when compared to 5 or 6 developments that each seek to maximize the coverage potential of each parcel of land.

PLAN COMMISSION RECOMMENDATION

The Plan Commission conducted a public hearing on December 19, 2016, on the request to amend the Special Development District zoning and the Special Development Plan. The Plan Commission voted unanimously to recommend approval with the following specific conditions:

1. The developer shall commit to implementing parking demand management strategies that decrease parking demand and increase transit ridership; and, provide one or more mechanisms to insure that such strategies will be implemented, adapted, revised and

maintained over time and changes of tenancy.

2. The developer shall commit to providing opportunities for enhanced pedestrian open spaces along and within pedestrian access routes and designated plaza areas and in association with the structures to be built within Subdistricts 2B and 2C.
3. The following traffic improvements be implemented and the design and phasing of each improvement will be considered in detail prior to the issuance of a building permit and/or right-of-way permit pursuant to the associated work.
 - a. The developer shall install streetscape on all public streets per City of Clayton standards. The design shall be approved by the City of Clayton Department of Public Works.
 - b. Streetscape electrical and water supply shall be provided at 21 S. Hanley Road and within Subdistrict 1 and Subdistrict 2A.
 - c. The electric and water supply at 21 S. Hanley Road shall be completed before demolition of existing streetscape infrastructure, with the intention of temporarily supplying electricity and water to the existing Carondelet streetscape east of Hanley Road and permanently supplying the Carondelet streetscape west of Hanley Road (Sub-District 4). The developer is responsible for ensuring that temporary supplies can adequately support existing Carondelet streetscape east of Hanley Road.
 - d. Electric and water supply shall be installed prior to completion of Subdistrict 1, with the intention of permanently supplying appropriate electricity and water to the existing Carondelet streetscape east of Hanley Road and streetscape adjacent to Subdistrict 1.
 - e. Electric and water supply shall be installed prior to completion of Sub-District 2A, with the intention of permanently supplying appropriate electricity and water to the streetscape adjacent to Subdistrict 2 and potentially Subdistrict 3.
 - f. Remove all nonconforming pavers from the “proposed permanent roadway maintenance, utility, sewer, sidewalk, & traffic signal easement”. Sidewalk shall be per City Streetscape standards.
 - g. Street improvements adjacent to Subdistricts 1 and 2A shall be implemented prior to completion of Subdistricts 1 and 2A. The City’s traffic engineering consultant is reevaluating the Traffic Impact Statement considering the changes made to the site plans so improvements shall include but are not be limited to the following:
 - i. Forsyth Boulevard shall be restriped and/or widening to accommodate lane configuration improvements as determined by the City. The developer shall provide a westbound left-turn lane on Forsyth Boulevard at the Subdistrict 1 and 2A garage entrances prior to garage utilization.
 - ii. The developer shall implement a signal retiming and optimization program with the City’s approval. Extent of signals beyond adjacent streets that may need to be optimized shall be determined by the City of Clayton Department of Public Works.

- iii. South Lyle Avenue at Forsyth Boulevard shall be constructed to have four lanes: one southbound lane, two northbound left turn lanes, and one shared through/right turn lane.
- iv. Considering the design changes to Subdistricts 1 and 2A, the City's Traffic Engineer will be updating the trip generation data; the applicant agrees to abide by additional comments which may result from their update.

The applicant shall consider installing accommodations for wheelchair access in conjunction with the proposed stairway at the midblock pedestrian connection between the building known as "The Crescent" to the west, and the proposed parking garage to the east.

STAFF RECOMMENDATION

Staff has considered and analyzed the additional data provided by the applicant and staff's recommendation to the Board of Aldermen is to approve the request subject to the conditions set forth in the Amended Special Development Plan approval ordinance.

BILL NO. 6593

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 6444 TO APPROVE AN AMENDED EXHIBIT DESCRIBING THE LOCATION AND BOUNDARIES OF CERTAIN SUBDISTRICTS OF THE CENTENE CLAYTON CAMPUS SPECIAL DEVELOPMENT DISTRICT PROJECT.

WHEREAS, on September 27, 2016, Ordinance No. 6444 approving the Special Development District and Ordinance No. 6445 approving the Special Development Plan (known as Centene Clayton Campus) was adopted by the Board of Aldermen; and

WHEREAS, on November 21, 2016, an application and letter was submitted by Robert G. Clark, CEO, Clayco, Inc. representing the property owners, requesting amendments to the Special Development District ordinance and Special Development Plan to allow for multiple changes to the Special Development District's designation of the boundaries of Subdistricts contained therein and Special Development Plan; and

WHEREAS, after notice required by law, a public hearing was held before the Board of Aldermen of the City of Clayton on January 10, 2017, to consider the requests; and

WHEREAS, upon due consideration, the Board of Aldermen finds and determines that the approval of the requested amendment to the Special Development District is consistent with good planning practice and the amendment would be in the best interest of the public health, safety, morals and general welfare of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

Section 1.

Ordinance No. 6444 approved on September 27, 2016, changing the zoning designation of the properties described therein to a Special Development District known as Centene Clayton Campus is hereby amended pursuant to the application received on November 21, 2016 and the Subdistrict and Plan dated December 14, 2016, as follows, to wit: Exhibit M1 appended to and incorporated in Ordinance No. 6444, which Exhibit delineates both the location and general boundaries of the Special Development District and certain Subdistricts of the approved Special Development District is hereby repealed and a new Exhibit M1 designated as "Exhibit M1 January 10 2017" is hereby adopted and incorporated into said Ordinance No. 6444 by this reference in lieu of the prior Exhibit for the purpose of identifying and delineating new and revised Subdistricts of the Centene Clayton Campus Special Development District as shown on Exhibit M1 January 10, 2017 attached hereto and incorporated herein by this reference.

Section 2.

The zoning map described in Chapter 405, Section 405.060. "Zoning Map" of the Code of Ordinances of the City of Clayton is hereby revised to be consistent with the rezoning approved in this Ordinance.

Section 3.

This Ordinance shall be in full force and effect from and after the date of its passage and adoption by the Board of Aldermen.

Adopted this 10th day of January, 2017.

Mayor

ATTEST:

City Clerk

EXHIBIT M1 JANUARY 10, 2017
CENTENE CLAYTON CAMPUS



1 SUBDISTRICT LOCATION PLAN

- SUBDISTRICT A
- SUBDISTRICT 1, 2A
- SUBDISTRICT 2B
- SUBDISTRICT 2C
- SUBDISTRICT 3
- SUBDISTRICT 4

BILL NO. 6594

ORDINANCE NO.

AN ORDINANCE REPEALING A PREVIOUSLY ADOPTED SPECIAL DEVELOPMENT PLAN AND APPROVING AN AMENDED SPECIAL DEVELOPMENT DISTRICT PLAN FOR THE CENTENE CLAYTON CAMPUS SPECIAL DEVELOPMENT DISTRICT, SUBJECT TO THE REQUIREMENTS SET FORTH IN THE CODE OF ORDINANCES OF THE CITY OF CLAYTON, MISSOURI, AND CONDITIONS SPECIFIED HEREIN; APPROVING AND AUTHORIZING OTHER ACTIONS RELATED THERETO, AND REPEALING ALL CONFLICTING ORDINANCES

WHEREAS, on September 23, 2008, the Board of Aldermen approved a rezoning and Special Development Plan via Ordinance Nos. 6033 and 6034 for certain property generally addressed as 7700-7720 Forsyth Boulevard and 18 South Hanley Road, known as Centene Plaza and more fully described in Ordinance Nos. 6033 and 6034 which was subsequently repealed and readopted via Ordinance Nos. 6050, 6095 and 6123; and,

WHEREAS, a Subdistrict Development Plan for (Phase I) of Centene Plaza was approved by the Board of Aldermen on September 23, 2008, via Ordinance No. 6035 and subsequently amended, repealed and readopted via Ordinance Nos. 6051, 6082, 6124, and approved improvements have been constructed; and

WHEREAS, properties in the current Special Development District established by Ordinance No. 6033 and subject to the current Special Development Plan for Centene Plaza and its Phase 1 Subdistrict Development Plan are appended to this Special Development District by Ordinance No. 6444 of September 27, 2016, and are a part of the Amended Special Development Plan approved hereby; and,

WHEREAS, Robert Clark, CEO of Clayco Inc. (the "Developer") submitted an application for a Special Development District and Plan dated June 16, 2016, for use of the properties known and numbered as 7454, 7510, 7518, 7520, 7528, 7600, 7606, 7620, 7630, 7632, 7636, 7642, 7700, 7718 and 7720 Forsyth Boulevard; 12, 14, 18, 20 and a portion of 106 South Hanley Road; 10 South Lyle Avenue; 101 and 105 Carondelet Plaza; 7711 and 7733 Carondelet Avenue and adjacent proposed vacated rights-of-way (the "Site"), for the development of a five-phase mixed-use development (the "Project"); and

WHEREAS, the Special Development District and Plan dated June 16, 2016, were adopted by the City of Clayton Board of Aldermen on September 27, 2016 via Ordinance Nos. 6444 (the district) and 6445 (the plan); and

WHEREAS, on November 21, 2016, the Developer submitted an application for an amendment to the Special Development District and Special Development Plan heretofore approved on September 27, 2016, as aforesaid; and

WHEREAS, a Special Development District is a distinct category of zoning and in approving any special development plan, the Board of Aldermen has the authority to change, alter, modify or waive any provisions of the zoning regulations set forth in Chapter 405 of the Code in order to encourage the efficient use of land and resources, promote greater efficiency in public and utility

services, and encourage innovation in the planning and building of all types of development; and

WHEREAS, this Board has received the favorable report of the City Plan Commission with respect to the modification of this Special Development Plan; and

WHEREAS, all interested parties have been given an opportunity to be heard before this Board with regard to the Special Development District, the Special Development Plan and the amendment contemplated hereby, notice first having been given and published as required by law; and

WHEREAS, upon due consideration, this Board of Aldermen hereby finds and determines that the repeal of the Special Development Plan approved on September 27, 2016, via Ordinance No. 6445 and the adoption of an amended Special Development Plan would be in the best interest of the City and its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

Section 1. Findings and Development Plan Approval

A. The Development Plan dated December 14, 2016 available in the Office of the City Clerk as prepared by HOK, Inc., architects on behalf of Robert Clark, CEO of Clayco Inc. (the "Developer") for the Project is hereby approved as the Special Development Plan ("Special Development Plan") for the Centene Clayton Campus Special Development District heretofore approved and amended concurrently herewith, this Board having found and determined that the Project, as set forth in the aforesaid Special Development Plan furthers the following objectives as specified in Article IX "Special Development District" of Chapter 405 of the Clayton Code of Ordinances:

1. Allow for a complex, large scale project to be phased in a manner advantageous to the City, developer and adjacent neighborhoods;
2. Development of a large tract of land which is vacant or underutilized in a coordinated manner;
3. Creation of a more desirable environment than would be possible through strict application of other City land use regulations designed for smaller projects;
4. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities;
5. Combination and coordination of architectural styles, building forms and building relationships covering different phases within a single development project;
6. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features and the prevention of soil erosion;
7. Use of design, landscape or architectural features to create a pleasing environment;
8. Inclusion of special features;
9. Elimination of deteriorated structures or incompatible uses through redevelopment or rehabilitation; and,
10. Facilitate implementation of the recommendations of the Business Districts Master Plan, where applicable.

B. The Board of Aldermen finds that the Special Development Plan provides the following public benefits as referenced in Section 405.1190 "Public Benefit" of Article IX "Special Development District," of Chapter 405 of the Clayton Code of Ordinances:

1. Use of large tracts of land in a manner which provides a cohesive phased development and minimizes construction impact.
2. Extraordinary landscaping and greenspace provisions.
3. Garage entryways by virtue of their location, materials and design that blend with the architecture of the surrounding neighborhood.
4. Architectural distinction and significance that would make the development noteworthy.
5. Extensive use of high quality building materials that would add significant value to the property and benefit adjacent properties.
6. Provision of new public infrastructure including, but not limited to, streets, curbs, sidewalks, sanitary sewers, storm water sewers, lighting and public parking.
7. Leadership in Energy and Environmental Design (LEED) certification from the U.S. Green Building Council at a minimum "Certified" level including applicable regional priorities or an equivalent nationally recognized third party verification organization as determined by the Plan Commission.
8. Inclusion of below grade public parking facility located underneath the proposed development.
9. Inclusion of street level landscape garden, plaza or park available for public use;
10. Public art.

C. That the subject properties be developed in accordance with the approved Special Development Plan and plans dated December 14, 2016, and the following conditions:

- a. Pursuant to page G003 (Building Use Plan) of the Special Development Plan, for those areas of buildings designated as commercial/retail, ground floor spaces shall be so constructed and oriented as to be specially suited for use by commercial occupants primarily serving on-site customers so as to support an active pedestrian environment in the area. Specific design elements, allowed uses and building area allocations for commercial/retail or lobby use, may be specified by the Board of Aldermen in approving individual Subdistrict Development Plans.
- b. That the applicant and property owner(s) commit to implementing parking demand management strategies that decrease parking demand and increase transit ridership; and, provide one or more mechanisms to insure that such strategies will be implemented, adapted, revised and maintained over time and changes of tenancy.
- c. That the following traffic improvements be implemented. The design and phasing of each improvement will be considered in detail at the time of Subdistrict plan review.
 - i. Limit the Subdistrict 1 garage access to Forsyth Boulevard to right-in/right-out only.
 - ii. Signalize access to the Subdistrict 2 garage on Forsyth Boulevard. Provide a westbound left-turn lane on Forsyth Boulevard to serve the garage. Provide two lanes exiting the garage (one northbound left-turn lane and one shared left/through/right-turn lane).
 - iii. Signalize access for the intersection of Forsyth Boulevard with the Subdistrict 3 service drive which runs parallel to Forest Park Parkway.

- iv. Add a second access to the Subdistrict 3 Garage (via Carondelet Plaza) to help distribute the heavy exiting left-turn traffic and provide acceptable operating conditions. The driveway should provide, at a minimum, a 3-lane cross-section at the intersection with Carondelet Plaza.
 - v. Re-stripe and/or widen Forsyth Boulevard to accommodate two eastbound through lanes from the service drive in Subdistrict 3 to east of the Forest Park Parkway Off-Ramp/Bland Avenue.
 - vi. Widen the Forest Park Parkway Off-Ramp/Bland Avenue to provide dual northbound left-turn lanes and a separate northbound right-turn lane at Forsyth Boulevard.
 - vii. Construct a southbound right-turn lane on Hanley Road at Carondelet Avenue in conjunction with Subdistrict 4.
 - viii. Implement signal retiming and optimization program upon completion of development and roadway improvements.
- d. The applicant shall consider installing accommodations for wheelchair access in conjunction with the proposed stairway at the midblock pedestrian connection between the building known as “The Crescent” to the west, and the proposed parking garage to the east.
- D. The Special Development Plan and the Phase I Subdistrict Development Plan previously approved pursuant to Ordinance Nos. 6123 and 6124 for the area designated as “Subdistrict A” on Exhibit M1 January 10, 2017, as approved concurrently herewith are hereby ratified and remain in force and shall constitute the Phase A Subdistrict Development Plan, which is hereby approved.

Section 2. Implementation

The City Manager is hereby authorized and directed to take all such actions as may be necessary and proper (or to cause the same to be taken) in order to implement the approval of the Special Development Plan authorized by this Ordinance.

Section 3. Repeal of Prior and Conflicting Ordinances

All Ordinances in conflict with the terms and purposes of this Ordinance are hereby repealed.

Section 4. Effective Date

This Ordinance shall be in full force and effect after its passage and adoption by the Board of Aldermen.

Adopted this 10th day of January, 2017

Mayor

ATTEST:

City Clerk



REQUEST FOR CITY PLAN COMMISSION REVIEW

Date:	December 19, 2016
Applicant:	Bob Clark, CEO of Clayco
Owner:	Hanley-Forsyth, LLC; Clayton Property Investment, LLC; Forhan, LLC; Centene Center II, LLC; CMC Real Estate Company, LLC; Health Plan Real Estate Holding, Inc.
Project Address:	7454, 7510, 7518, 7520, 7528, 7600, 7606, 7620, 7630, 7632, 7636, and 7642 Forsyth Boulevard; 12, 14, 20 and portion of 106 South Hanley Road; 10 South Lyle Avenue; 101 and 105 Carondelet Plaza; 7711 and 7733 Carondelet Avenue and adjacent proposed vacated rights-of-way.
Item Type:	Special Development District Zoning Amendment
Staff:	Susan M. Istenes, AICP, Planning Director
Summary:	Review of a request amend the existing Special Development District (SDD) zoning for the Centene Clayton Campus

BACKGROUND

The original rezoning to SDD was approved by the Board of Aldermen on September 27, 2016. This is a request to amend the existing SDD Ordinance No.6445 in response to City and public comments, requirements from the previously approved SDD rezoning and further refinement of the overall campus design.

REQUESTED ACTION

This request is for consideration of amendments to the existing Centene Clayton Campus Special Development District. The specific revisions are as follows:

1. Enlarge the boundary of Subdistrict 1, toward the east, to include the area between the current east boundary of Subdistrict 1 and (South) Lyle Avenue.
2. Decrease the area of Subdistrict 2 and divide Subdistrict 2 into three separate subdistricts:
 - A. Subdistrict 2A (parking structure and retail land uses)
 - B. Subdistrict 2B (corporate auditorium)
 - C. Subdistrict 2C (residential and retail land uses)
3. (South) Lyle Avenue will not be relocated. It will remain in its current location (now between Subdistrict 1 and Subdistricts 2A/2C with the following changes:

- A. Widened to accommodate two northbound lanes to provide both left and right turn lanes and one southbound lane with parallel parking.
 - B. All drive lanes will meet city standards of 12' 0" wide, with the City standard streetscape and lighting defining both sides of the reconfigured (south) Lyle Avenue.
4. Allow left turns onto Forsyth from Subdistrict 1 and Subdistrict 2A Forsyth Parking garage entrances as well as from (south) Lyle Avenue.
 5. Align Subdistrict 1 garage entrance with signaled Forsyth intersection at (north) Lyle Avenue. Align Subdistrict 2A garage entrance with signaled Forsyth Boulevard intersection with Lee Avenue.
 6. At Subdistrict 1, remove southwest alley entrance ramp (across/west of The Crescent) to below grade parking.
 7. Adjust Subdistrict 1 internal ramping to allow for limited ingress/egress through the remaining north alley entrance.
 8. Incorporate building massing step down to (south) Lyle on the east end of the Subdistrict 1 parking structure.
 9. The location of the corporate auditorium shifts from Subdistrict 3 to Subdistrict 2B.
 10. Shift a portion of the planned residential units from the previous Subdistrict 2 to Subdistrict 2C and shift 50-70 units to Subdistrict 3.
 11. Increase the maximum allowable height of the residential structures in Subdistrict 2C from 100 feet to 150 feet above referenced grade.
 12. Incorporate various minor adjustments to office, retail, residential, assembly, corporate loading and parking areas across all subdistricts.

The amendments, if approved, will result in a distinct zoning classification for the subject properties along with a plan that provides the general development standards for the project, including the project phases and schedules, location and use of each proposed building, the maximum height and size of each building, the location of open space and landscape buffers, general traffic circulation and the location and number of parking spaces.

If the amendments are approved, separate approvals will be required for individual Subdistrict plans for each of the six subdistricts. These plans will provide detailed information related to each specific phase of the development such as required transportation related improvements, detailed architectural features, landscape design and plant material, building siting, and pedestrian and automobile circulation among others. Each Subdistrict requires approval of a Subdistrict Plan (by the Board of Aldermen), Site Plan Review (by the Plan Commission), and Architectural Review (by the Architectural Review Board).



PROPOSED SUBDISTRICT LOCATION PLAN

PROJECT DESCRIPTION

The proposed SDD plan establishes development standards that will govern the redevelopment of six subdistricts totaling 9.74 acres. The properties under the current SDD plan for Centene Plaza (7700-7720 Forsyth Boulevard) will be incorporated under one plan and ordinance along with the subject properties.

The following chart identifies and summarizes the proposed subdistrict development in gross square feet. Once approved, the Special Development Plan and Ordinance, as amended, becomes the specific zoning regulations governing the use and development of the properties.

Special Development District (SDD) Summary: September 27, 2016
SDD Subtotals compared with November 21, 2016 Resubmittal:

SDD Subtotals	Area in gross sq ft 9/27 (approved)	Area in gross sq ft 11/21 (proposed)	Difference
Office	1,420,000	1,397,000	-23,000
Residential	180,000	218,000	+38,000
Hotel	170,000	190,000	+20,000
Auditorium	39,000	85,160	+46,160
Retail	76,700	97,000 – 130,000	+20,300 – 53,500
Parking	2,335,935	2,100,500	-235,435
Total	4,587,300	4,322,800	-264,500

CRITERIA FOR APPROVAL & ANALYSIS

Section 405.1210 of the zoning regulations lists eight criteria of approval (numbered and in italics on the following pages) designed to achieve the goals as set forth in Section 405.1160 of Article IX: Special Development District. The Plan Commission shall take these criteria into consideration when deliberating and acting upon the Special Development Plan.

Downtown Master Plan

- 1) *"The proposed development, including proposed phases and schedule, is in harmony with general purposes and intent of Chapter 405 of the Municipal Code and is compatible with and implements the planning goals and objectives of the City."*

>> The proposed amendment divides Subdistrict 2 into three separate subdistricts (2A, 2B and 2C) and changes the location of the corporate auditorium from Subdistrict 3 to Subdistrict 2B. It also relocates a portion of the residential land uses from Subdistrict 2 to Subdistrict 3 and finally, incorporates changes to building heights, transportation access routes and site circulation to enhance the project's compatibility and traffic functionality with surrounding land uses and existing traffic patterns.

>> **Staff Analysis:** None of the proposed changes alter the previous determination that the proposed development is in harmony with the zoning regulations and implements the planning goals and objectives of the City. Locating residential land uses closer to the Metrolink Station enhances the project's compatibility with the Master Plan by providing residential land uses within a closer proximity to the station. The relocation of the Corporate Auditorium to Subdistrict 2B will help create an iconic gateway to Clayton from the east. With the implementation of staff's recommendations, staff is of the opinion that consistency with the Downtown Master Plan will be achieved.

Compatibility

- 2) *"The proposed height, arrangement and uses of the proposed development are compatible with the surrounding neighborhood and the City as a whole."*

>> Staff believes the changes in location of proposed uses are, for the most part, compatible with the surrounding neighborhood land uses which are comprised of residential, office, retail, parking and service type land uses. Relocating the corporate auditorium from Subdistrict 3 to Subdistrict 2B, allows its location to be closer to the center of the downtown in addition to the proposed commercial/retail ready space along Forsyth Boulevard. Its proposed location will enhance the likelihood that these planned commercial spaces will provide well used services and retail opportunities to residents and pedestrians in this area.

>> **Staff analysis:** Two significant plazas/park spaces have been removed from the project – the plaza at Hanley Road and Forsyth Boulevard and Carondelet Plaza east; Carondelet Plaza west has been reduced in size from .27 acres to .12 acres. Hanley Park is the only remaining open space that contributes to buffering in the downtown area. The existing

SDD allotted 1.405 acres of open space. This amendment proposes .995 acres, or 0.45 acres less than what was previously approved. The reduction of the Carondelet Plaza west green space is caused by a shift forward by the proposed building foot print of the future residential land uses in the proposed Subdistrict 2C. This creates a different relationship with the existing residential multiple family building to the west (The Crescent) in that the future residential land uses will likely be aligned with the Crescent building as opposed to being setback as indicated in the previous plan. Residential land uses don't necessarily need to be buffered from each other as these are both relatively low density multi-family projects. Consideration should be given to provide additional green space within the future design of the residential structures that are proposed for Subdistrict 2C, such as a roof top garden or similar means of creating open space.

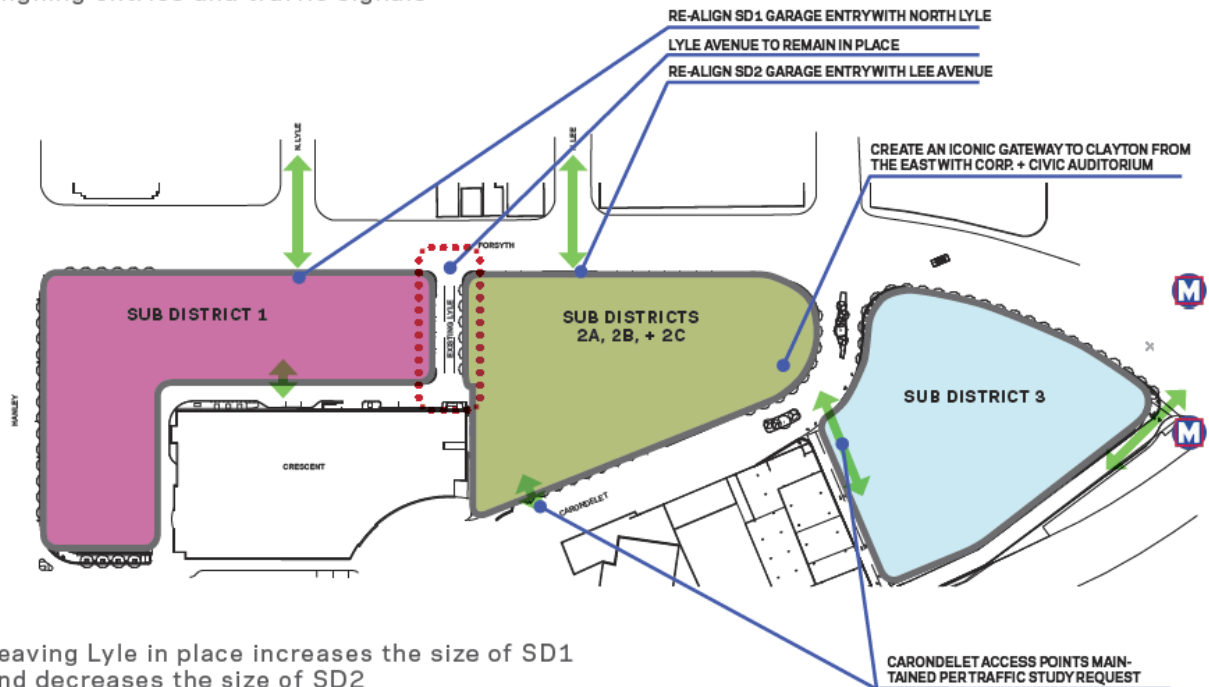
Traffic & Circulation

- 3) *"Streets or other means of access to the proposed development meet City of Clayton standards and are suitable to carry anticipated traffic."*
- 4) *"The internal circulation system of the proposed development encourages safe movement for vehicles and pedestrian."*

Traffic

- >> A traffic study conducted by Crawford Bunte Brammeier (CBB) analyzed the potential traffic impacts of the proposed development. The traffic study was updated based on the revised plans received August 1 and August 22. The proposed amendments to the SDD Master Plan do not warrant any additional traffic studies, as they do not cause an increase in trip generation, nor do they significantly alter the proposed site circulation.
- >> The applicant has revised the site access plans and now plans to leave South Lyle Avenue in its current location (between Subdistrict 1 and Subdistrict 2A). It will be slightly widened to provide two northbound lanes (providing both left and right turn lanes) and one southbound lane with parallel parking. All drive lanes will meet city standards of 12' 0" wide with the city standard streetscape and lighting defining both sides of the street. Left turns will be allowed onto Forsyth Boulevard from the Subdistrict 1 and Subdistrict 2A parking garages, as well as from South Lyle Avenue. There will be a new signalized intersection that will align with the Forsyth Boulevard/North Lyle Avenue intersection and the existing signalized Forsyth Boulevard intersection with Lee Avenue, allowing for full turning movements from both garages. Access points have been eliminated from Forsyth, north of north Lyle, in Subdistrict 1 and from the alley off of Carondelet Plaza, serving The Crescent development. These changes will significantly reduce the amount of traffic that needs to access the alley from Carondelet Plaza in order to enter a parking garage.

Aligning entries and traffic signals



Leaving Lyle in place increases the size of SD1 and decreases the size of SD2

- >> In addition to the improvements already included in the plans, the following improvements are recommended to ensure that the surrounding roadways have adequate capacity to handle the additional trips generated by the development. The design and phasing of each improvement will be considered in detail at the time of Subdistrict plan review.
- Add a second access to the Subdistrict 3 Garage (via Carondelet Plaza) to help distribute the heavy exiting left-turn traffic and provide acceptable operating conditions. The driveway should provide, at a minimum, a 3-lane cross-section at the intersection with Carondelet Plaza.
 - Re-stripe and/or widen Forsyth Boulevard to accommodate two eastbound through lanes from the service drive in Subdistrict 3 to east of the Forest Park Parkway Off-Ramp/Bland Avenue.
 - Widen the Forest Park Parkway Off-Ramp/Bland Avenue to provide dual northbound left-turn lanes and a separate northbound right-turn lane at Forsyth Boulevard.
 - Construct a southbound right-turn lane on Hanley Road at Carondelet Avenue in conjunction with Subdistrict 4.
 - Implement signal retiming and optimization program upon completion of development and roadway improvements.

Pedestrian Circulation

- >> The pedestrian circulation plan as originally approved, remains largely intact. The applicant has shifted the main entrance to the office buildings proposed in Subdistrict 1 from the intersection of Hanley Road and Carondelet Plaza, to a location just east of the intersection of Hanley Road and Forsyth Boulevard. The entrance at Hanley Road and Carondelet Plaza will remain, but will function as a secondary entrance. The developer added a mid-block connection between

Forsyth Boulevard and Carondelet Plaza in Subdistrict 2A/B per the conditions of approval of the adopted SDD Plan.

- >> **Staff analysis:** The proposed changes to the traffic circulation plan will provide more direct access to and from the parking areas from Forsyth Boulevard. It leaves South Lyle Avenue in place and will align garage entries at signalized intersections of Forsyth Boulevard with North Lyle Avenue and Lee Avenue, thus minimizing the traffic impact on the alley between the subject property and The Crescent development to the south.

Parking

Parking is not listed as specific criteria of approval; however, the amount of parking provided for the project is approved as part of the development standards established in the Special Development Plan.

>> **Staff Analysis**

- i. The proposed amendments have a negligible impact on the previously analyzed parking study. The total number of parking spaces in all of the subdistricts shall not exceed 5800 (as previously approved). This amendment proposes to build 200 less parking spaces than originally approved.

Bicycle Parking

- >> Each subdistrict will comply with the City's Bicycle Parking Regulations.

Landscaping

- 5) *"Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts."*

- >> According to the City's contracted landscape architect, the proposed amendment reduces the amount of buffering and publically accessible open space. The design and location of landscape buffers will be considered in detail at the time of subdistrict plan review.

- 6) *"The proposed development preserves unique environmental features of the property."*

- >> According to the City's contracted landscape architect, there are no unique environmental features of the property. The proposed developments will significantly alter the environment of each of the sites. Existing topography, trees and other existing conditions will be removed.

Utilities

- 7) *"Existing or proposed utility services are adequate for the proposed development."*

- >> The project has received conceptual approval from the Metropolitan Sewer District. The Public Works Department has reviewed the plans and finds them acceptable related to utility service.

Public Benefits

8) *"The proposed development complies with all other applicable codes and ordinances".*

>> The proposed amendments do not affect the previously provided public benefits with one exception. The amount of green space has been reduced. SDD Regulations list public benefits to the City that are intended to be derived from the approval of a Special Development District. Projects may include the prescribed public benefits, or may propose others not listed. According to the applicant, the following public benefits to the City are intended to be derived from the approval of the SDD:

- i. The project will add thousands of workers in Downtown Clayton, extend the City of Clayton's central business district to the east, add ground floor retail and other amenities extending from Hanley Road to Forest Park Parkway, include a 900 to 1,100 seat auditorium, and residential apartment units.
- ii. The development will integrate significant public open space with public art installations while extending Clayton's signature streetscape to several city blocks.
- iii. The project advances the City's desire for mixed use density connecting to transit while enhancing the pedestrian experience with dynamic, walkable and friendly streets.
- iv. The proposed development includes expansive and extraordinary landscaping and greenspace provisions in support of numerous public plazas located throughout the campus.
- v. Each subdistrict's garage entryway(s) has been carefully studied and resulting locations represent the most efficient locations for operations while minimizing automobile impacts to the surrounding community.
- vi. Each subdistrict's architectural vocabulary is a combination of cohesive modern forms and proportionality informed by the existing vernacular exhibited by the City of Clayton.
- vii. Each subdistrict will utilize building materials similar in quality to the existing Centene Plaza.
- viii. Subdistrict 2C includes a residential component, the exact proportion of for sale versus rental units has not been determined as of yet.
- ix. Rather than possibly proposing multiple individual developments, the proposal provides for the master planning of a large portion of Clayton's urban core, resulting in a cohesive impact to the community when compared to 5 or 6 developments that each seek to maximize the coverage potential of each parcel of land.

CONCLUSION

Staff is of the opinion that the proposal meets the criteria of approval for a Special Development District as specified in Section 405.1210 of the zoning regulations and detailed in this staff report. The project will result in the development of a significant amount of offices, hotel, civic space, commercial and residential uses within close proximity to the Forsyth Metrolink station. The project appears to be generally well-designed and will be a significant positive addition to the area and Downtown as a whole.

Staff is of the opinion that proposal is consistent with the vision of the Downtown Master Plan. Separate approvals will be required for individual subdistrict plans for each of the six subdistricts. These plans will provide detailed information related to each specific phase of the development

such as required transportation related improvements, detailed architectural features, landscape design and plant material, building siting, and pedestrian and automobile circulation among others. Each subdistrict requires approval of a Subdistrict Plan (by the Board of Aldermen), Site Plan Review (by the Plan Commission), and Architectural Review (by the Architectural Review Board).

STAFF RECOMMENDATION

To recommend approval of the amendments to the Special Development Plan to the Board of Aldermen with the following conditions:

1. That the applicant commit to implementing parking demand management strategies that decrease parking demand and increase transit ridership; and, provide one or more mechanisms to insure that such strategies will be implemented, adapted, revised and maintained over time and changes of tenancy.
2. That the applicant commit to providing opportunities for enhanced pedestrian open spaces along and within pedestrian access routes and designated plaza areas and in association with the structures to be built within Subdistricts 2B and 2C in order to make up for the lost green space as a result of this amendment.
3. That the following traffic improvements be implemented. The design and phasing of each improvement will be considered in detail at the time of subdistrict plan review.
 - a. The Developer shall install streetscape on all public streets per City of Clayton standards. The design shall be approved by the City of Clayton Public Works.
 - b. Streetscape electrical & water supply shall be provided at 21 S. Hanley as well as within Subdistrict 1 & Subdistrict 2A.
 - c. The electric & water supply at 21 S. Hanley shall be completed before demolition of existing streetscape infrastructure, with the intention of temporarily supplying electricity and water to the existing Carondelet streetscape east of Hanley Rd and permanently supplying Carondelet streetscape west of Hanley Rd (Sub-District 4). Developer is responsible for ensuring the temporary supplies can adequately support existing Carondelet streetscape east of Hanley Road.
 - d. Electric & water supply shall be installed prior to completion of Subdistrict 1, with the intention of permanently supplying appropriate electricity and water to the existing Carondelet streetscape east of Hanley Road and streetscape adjacent to Subdistrict 1.
 - e. Electric & water supply shall be installed prior to completion of Sub-District 2A, with the intention of permanently supplying appropriate electricity and water to the streetscape adjacent to Subdistrict 2 and potentially Subdistrict 3.
 - f. Remove all nonconforming pavers from the "proposed permanent roadway maintenance, utility, sewer, sidewalk, & traffic signal easement". Sidewalk shall be per City Streetscape standards.
 - g. Street improvements adjacent to Subdistricts 1 & 2A shall be implemented prior to completion of Subdistricts 1 & 2A. The City's traffic engineering consultant is reevaluating the Traffic Impact Statement considering the changes made to the site plans so improvements shall include but are not be limited to the following:

- i. Forsyth restriping and/or widening to accommodate lane configuration improvements. Provide a westbound left-turn lane on Forsyth Boulevard at the Subdistrict 1 & 2 garage entrances.
 - ii. Implement signal retiming and optimization program. Extent of signals beyond adjacent streets that may need to be optimized is to be determined by the City of Clayton Public Works.
 - iii. The Wellbridge parking garage access opposite North Lyle Avenue shall have four lanes: one southbound lane, two northbound left-turn lanes, and one shared through/right-turn lane.
 - iv. CBB is updating the trip generation data considering the design changes to Sub-districts 1 & 2A. Additional comments may result from their update.
- h. Eliminate “limited Access Garage Entry” off Carondelet Avenue to Subdistrict 2A. Subdistrict 2A garage access off Carondelet shall be limited to one mid-block location.



REQUEST FOR ARCHITECTURAL REVIEW BOARD CONSIDERATION

Date:	December 19, 2016
Applicant:	Bob Clark, CEO of Clayco Construction
Owner:	Hanley Forsyth, LLC
Project Address:	7600, 7606, 7620 Forsyth Boulevard; 7630-7642 Forsyth Boulevard; 12, 14, 20, and part of 106 South Hanley; vacated Carondelet Avenue and alley-Public Right of Way
Item Type:	Architectural Review/Request for Action Subdistrict 1
Staff:	Susan M. Istenes, AICP, Director
Summary:	Review of the design and materials associated with the construction of a mixed-use office building for Subdistrict 1 of the Centene Clayton Campus.

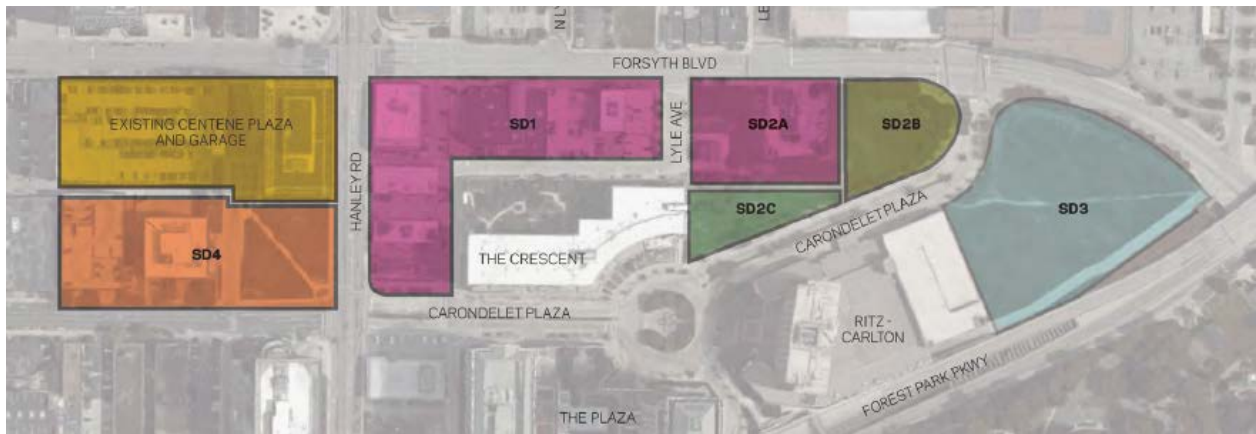
BACKGROUND & SUMMARY

In an effort to assist planning staff and the decision making bodies to make informed decisions regarding new development projects, the City has contracted with H3 Studio to review and analyze development proposals for compliance with the City's adopted ordinances, plans, and best practices in urban design and architecture. The analysis and recommendations in this staff report are summarized from a report prepared by H3 Studio.

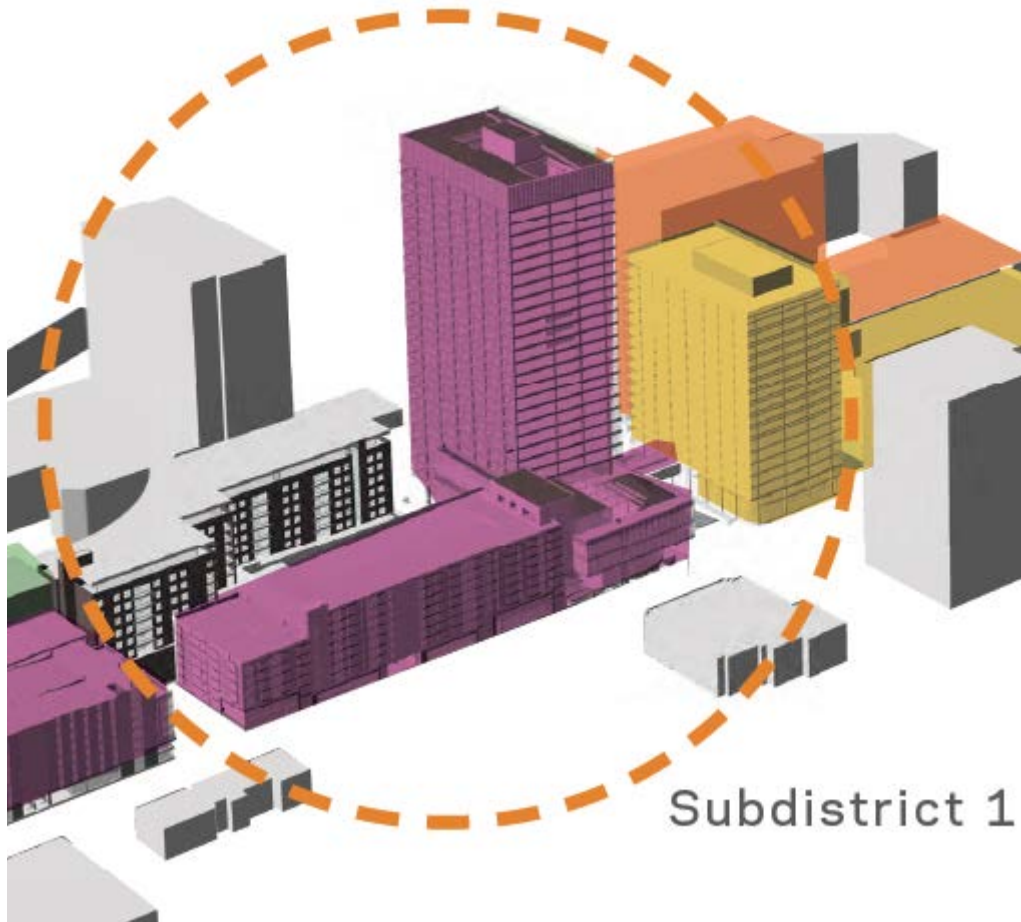
Subdistrict 1 is located on the east side of Hanley Road between Forsyth Boulevard and Carondelet Plaza. The site measures 2.81 acres. The proposed project includes a 30-story (plus 4 stories below grade), 1,387,644-gross-square-foot building including 625,735 gross square feet of office, 63,223 gross square feet of retail, and a 1,757-space parking structure.

This building features a dual-level lobby, with lower level access from Carondelet Plaza and upper level access from Forsyth Boulevard. Retail tenant spaces are located at street level along Forsyth Boulevard. Building materials include a transparent glazed curtain wall; architectural aluminum canopy system; architectural aluminum screen of perforated, folded panels; and a green roof system.

The proposed Centene Clayton Campus development is located amidst a number of distinctive, high- and mid-rise office, mixed-use, and hospitality developments. Centene Plaza (7700 Forsyth Boulevard; built in 2009), a 17-story, glass curtain wall, contemporary office tower and attached parking garage, is the model for the design and materials of the four proposed buildings.



Subdistrict 1 location





Subdistrict 1 rendering looking southwest from Hanley Road/Forsyth Blvd intersection

CRITERIA FOR REVIEW

The following design criteria were compiled from existing zoning requirements, guidelines, and recommendations of the Downtown Master plan.

Ground Level

- 1) *Pedestrian scaled design for first 25' from ground (approximately 2 stories) such as first floor retail, residential stoops, breaks in façade, building setbacks.*

>> The building design of Subdistrict 1 meets this requirement. The first two (2) to three (3) stories, ranging from 39 feet at Forsyth Boulevard to 67 feet at Carondelet Plaza, feature an inset façade with public lobby access and retail tenant spaces. The primary building entrance is set back towards the east from the corner of Forsyth Boulevard and Hanley Road with a pedestrian-scaled setback/notch at the entry.

- 2) *Street level (ground floor) elevation facing the street should be storefront architecture with large show windows interrupted at regular intervals with building piers and generous entrances. Blank walls, long uninterrupted show windows, odd shaped and small show windows should be avoided.*

>> The building design of Subdistrict 1 meets this requirement. Ground floor elevations (as described above) feature transparent glass storefront architecture. The building pier structure is expressed outside of the curtain wall envelope and defines a regular rhythm of storefront spaces. Canopy elements along the north and south sides of the building scale the building down to the pedestrian level and provide protection from the elements to pedestrians. Public entry to the office building is provided on the north and south facades. The west façade, which is located on a sloping hill transitioning between the upper lobby entrance and lower lobby entrance, does not provide access but does continue the pedestrian-scale design and structural elements and transparent storefront-style glazing.

- 3) *Parking structures abutting the street should have ground level retail, commercial service and food establishments facing the sidewalk.*

>> The building design of Subdistrict 1 meets this requirement. The parking structure features retail tenant spaces at ground level.

Massing & Articulation

- 4) *Orient height along Forsyth Boulevard.*

>> The building design of Subdistrict 1 meets this requirement. While the building footprint is pushed to the edge of right-of-way of Forsyth Boulevard, the full height of the building is pushed back to Carondelet Plaza. The site topography; site access; and context of surrounding buildings drives the location of the tower. Therefore, the intent of the requirement has been met.

5) *Building skylines should provide interest through introduction of compatible shapes and roof forms. Long uninterrupted cornices should be avoided.*

>> The building design of Subdistrict 1 does not meet this requirement, as it utilizes an uninterrupted parapet extension of the glass curtain wall. This reviewer acknowledges that this design is consistent with the many other neighboring buildings; it does not, however, conform to the architectural guidelines. The architect should consider modifying the building skyline to conform to the guideline, or provide justification to support the current design.

>> Based on the response from Clayco, dated July 18, 2016, the proposed cornice matches the existing Centene development, and visual interest will be provided via lighting. However, 1) while approved, the existing Centene development does not conform to the guideline; 2) no details on the lighting strategy are provided; and 3) visual interest through lighting will not be experienced during the day. Additionally, the building design of the Subdistrict 1 parking garage utilizes an uninterrupted parapet extension of the precast curtain wall. While this design is consistent with the many other neighboring buildings; it does not, however conform to the architectural guidelines. Therefore, this requirement has not been met.

6) *Facade relief should be incorporated into all building elevations. Long uninterrupted elevations should be avoided.*

>> The building design of Subdistrict 1 meets this requirement through the use of a setback and façade inset at the 5th floor, and material changes between the street level, parking garages, and office tower.

7) *For buildings taller than 7 stories or 90 feet, a 15 foot setback shall be provided beginning at the third story level or 30 feet above grade (lesser).*

>> The building design of Subdistrict 1 does meet this requirement. A deep setback from Forsyth Boulevard is provided at the 4th story, by the transition from the retail/lobby entrance at grade on Forsyth Boulevard, then an additional two stories of building for the future Wellbridge Fitness Center, then a rooftop café and outdoor space on the roof of the third story.

8) *Window openings should be incorporated into all building elevations. Blank walls, long horizontal openings, odd shapes and glass walls should be avoided.*

>> It is indeterminate as to whether the building design of Subdistrict 1 meets this requirement. The building is clad in a glass curtain wall, which is technically not in conformity with the guideline. This reviewer acknowledges that this design is consistent with the many other neighboring buildings; it does not, however, conform to the architectural guidelines. This reviewer also understands that the intent of this guideline is to avoid the monolithic appearance of “glass boxes” that do not express or articulate floor plates, interior spaces, or a rhythm of structural bays and vertical elements. The specifics of the glass curtain wall design, the building’s transparency, and the visibility/expression of these elements will determine whether or not the proposed design is compatible with the guideline.

>> Based on the response from Clayco, dated July 18, 2016, the single 3D digital rendering matches the existing Centene development, with a high degree of transparency and clear articulation of floorplates and building structure. Therefore, the intent of this requirement has been met.

9) *The upper story of parking structures abutting the street should be of design material and color compatible with the urban setting.*

>> The building design of Subdistrict 1 meets this requirement. The parking garage buildings are clad in a mix of glass curtain walls, precast architectural panels, masonry panels and glass storefronts that are visually-appealing and harmonious with the surrounding urban context.

CONCLUSION

The proposed project appears to be a generally well-designed, high-quality building that exhibits distinctive and identifiable characteristics. The proposed project will be a significant positive addition to the area and Downtown as a whole.

STAFF RECOMMENDATION

To approve this request with the following conditions:

1. The proposed sign locations and information is for conceptual purposes only. A comprehensive sign plan shall be approved by the ARB prior to the issuance of any sign permits.
2. Elevations, sections, perspective renderings, and site furniture details for all public outdoor plazas and gathering spaces shall be provided and approved by staff prior to the issuance of an occupancy permit .



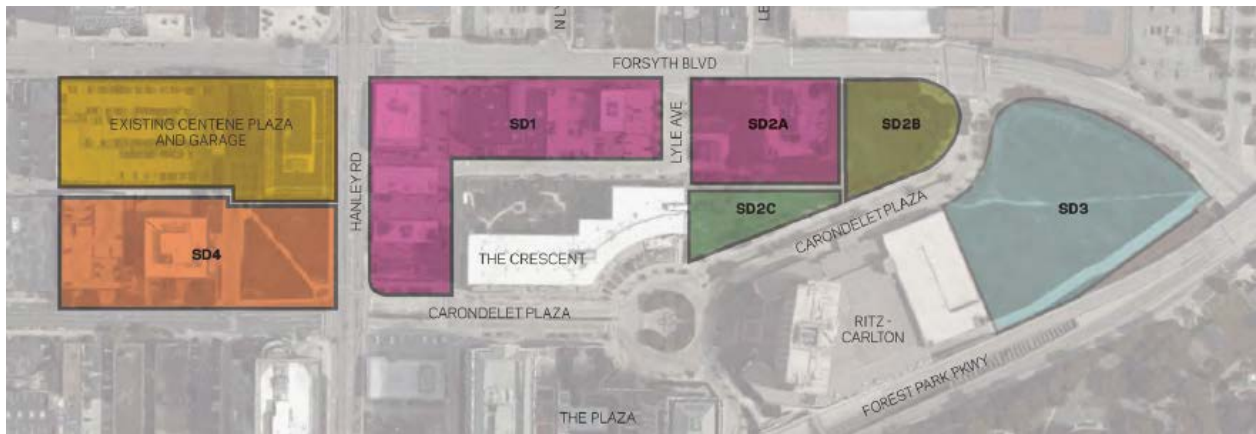
REQUEST FOR CITY PLAN COMMISSION REVIEW

Date:	December 19, 2016
Applicant:	Bob Clark, CEO of Clayco Construction
Owner:	Hanley Forsyth, LLC
Project Address:	7600, 7606, 7620 Forsyth Boulevard; 7630-7642 Forsyth Boulevard; 12, 14, 20, and part of 106 South Hanley; vacated Carondelet Avenue and alley
Item Type:	Special Development Subdistrict Plan & Site Plan Review for Subdistrict 1
Staff:	Susan M. Istenes, AICP, Director
Summary:	Review of the Special Development Subdistrict Plan and Site Plan associated with the construction of a mixed-use office building for Subdistrict 1 of the Centene Clayton Campus.

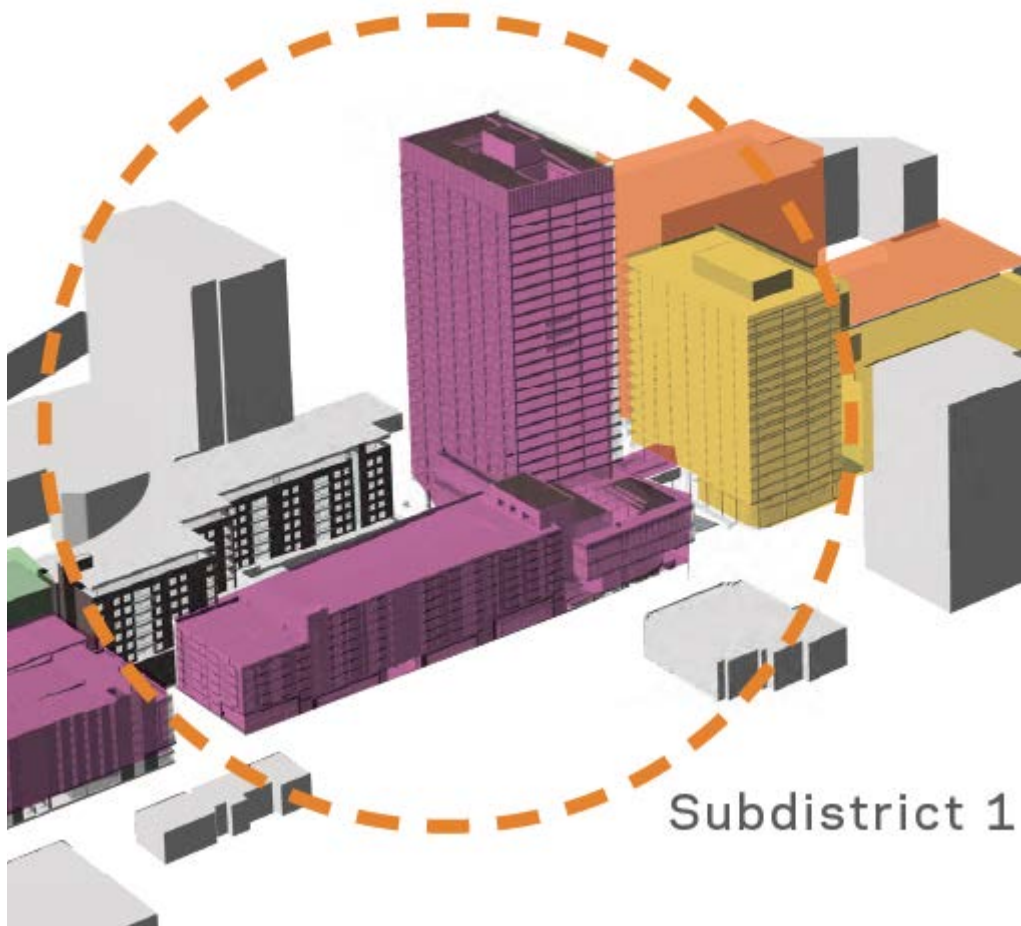
BACKGROUND & SUMMARY

This is a request for consideration of a Subdistrict Plan and Site Plan Review for a mixed-use office building and parking garage. The Subdistrict plan represents the first of six phases of the Centene Clayton Campus Special Development District (SDD). These two reviews (site plan and subdistrict plan) are being considered together in this staff report because the project is a complete package with each element an integral part of the whole; however, they are listed separately on the agenda and should be voted on independently. This request is being considered concurrently with proposed amendments to the SDD.

Subdistrict 1 is located on the east side of Hanley Road between Forsyth Boulevard and Carondelet Plaza. The site measures 2.81 acres. The proposed project includes a 30-story (plus 4 stories below grade), 1,387,644-gross-square-foot building including 625,735 gross square feet of office, 63,223 gross square feet of retail, and a 1,757-space parking structure.



Subdistrict 1 location



Notice of this request was sent to property owners within 200 feet of the subject property.



Subdistrict 1 rendering looking southwest from Hanley Road/Forsyth Blvd intersection

SUBDISTRICT PLAN & SITE PLAN REVIEW

A Special Development District (SDD) is a distinct zoning classification for large-scale development. The purpose of the special development process is to encourage innovation in the planning and building of a large-scale development with a multi-phased, multi-year timeline. An SDD is governed by a Special Development Plan and Subdistrict Plans, each of which require approval by the Board of Aldermen. The Special Development Plan provides the general development standards for the proposed development including the location of project phases

Notice of this request was sent to property owners within 200 feet of the subject property.

and schedules, location and use of each proposed building, the maximum height and size of each building, the location of open space and landscape buffers, general traffic circulation and the location of parking.

The individual subdistrict plans provide detailed information related to each specific phase of the development. Each subdistrict requires approval of a Subdistrict Plan (by the Board of Aldermen), Site Plan Review (by the Plan Commission), and Architectural Review (by the Architectural Review Board). The applicant is requesting consideration of an amendment to the Special Development Plan (SDD) and approval of two of the six Subdistrict Plans (including Site Plan Review and Architectural Review), concurrently. Approval of the amendment to the Special Development Plan is not contingent upon approval of the detailed subdistrict plans.

CRITERIA FOR APPROVAL

The Plan Commission shall recommend to the Board of Aldermen approval, approval with conditions or denial of the special development subdistrict plan. The Plan Commission shall vote to approve, approve with conditions, or deny the plans for site plan review. The criteria for approval of a subdistrict plan and site plan review are listed below. Similar criteria have been combined for this analysis.

Compatibility

- 1) *If any City Master Plan contains recommendations that are specific to the area defined by the site plan, the Plan Commission shall review the site plan to determine its consistency with all applicable recommendations. (Site Plan Review).*

- >> Subdistrict 1 is located in the Forsyth Village District as identified in the Downtown Master Plan. The vision of the district is to “create a dense, walkable, mixed-use district including a significant new urban residential development oriented around the Forsyth Metrolink Station with appropriate connections to the existing development at Carondelet Plaza and the adjacent neighborhoods”. The plan identifies both Forsyth Boulevard and Carondelet Plaza as pedestrian priority zones.

- >> Staff is of the opinion that the project generally complies with the vision of the Downtown Master Plan. With implementation of staff’s recommendations, staff believes that consistency with the Downtown Master Plan would be enhanced.

- 2) *The proposed development is consistent with the special development plan for this site and complies with all other applicable codes and ordinances. (Subdistrict)*

- >> The development is consistent with the proposed Special Development Plan as proposed to be amended.

- 3) *A project's compatibility with its environment and with other land uses and buildings existing in the surrounding area.(Site Plan Review)*

- >> The proposed development is generally compatible in terms of use, mass and height with existing and proposed nearby structures.

- >> Locating the main entry to the office building on Forsyth Boulevard will encourage foot traffic along Forsyth Boulevard and Hanley Road in support of the proposed commercial/retail ready space. The Wellbridge Fitness Center will be relocated from its current location on Forsyth Boulevard to the second floor of the office tower. Its entrance is closer to the corner of Forsyth and Hanley Road which will contribute to a lively, pedestrian oriented corner. The plaza at this corner could be enhanced by additional landscaping and integrated planters and amenities in place of some of the hardscape.

Landscaping

(Analysis provided by the City's contracted landscape architect)

4) *The quantity, quality, utility, size and type of a project's required open space and proposed landscaping improvements. (Site Plan Review)*

- >> The original submittal showed a plaza at the corner of Hanley Road and Forsyth Boulevard, which has now been removed from the project. The remaining pavement margins beyond the streetscape do not contribute to desired quality open space for the district. Specifically, the corner has been reduced to the Clayton streetscape and a wide margin of other decorative pavement. The decorative pavement could be reduced and landscaped to offer an attractive corner treatment.

- >> The effectiveness of the plaza at the Hanley drop-off as a public people space is diminished by tall concrete walls, hardscape planters and sunken elevation along the Hanley frontage.

5) *Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts. (Subdistrict)* *New developments should be screened from adjacent properties by use of high caliper tree plantings. (Subdistrict)*

- >> Additional landscape buffering is needed between the Carondelet drop off and the public realm. Concrete retaining walls and minimal plantings are not significant features for the Carondelet sidewalk environment. The +/- 6 foot tall raised planter/fountain wall blocks the view of the plaza from Hanley Road and offers little room for plants. It is intended to share the space with mechanical and fountain equipment. Other rectilinear planters step up with the grade of Hanley Road and continue to separate the plaza from the sidewalk and public users.

6) *The preservation of mature trees is encouraged. (Subdistrict)*

- >> All trees will be removed.

7) *Trees and Landscaping are appropriate with the scale of the development and consistent with Article XXX: Trees and Landscaping Regulations. (Subdistrict)*

- >> Some trees are not labeled. The corner of Hanley Road and Forsyth Avenue is dominated by pavement. The decorative pavement area should be reduced and landscaped to offer an attractive corner treatment.

Traffic & Circulation

- 9) *Streets or other means of access to the proposed phase of development meet City of Clayton standards and are suitable and adequate to carry anticipated traffic.*

(Subdistrict)

The internal circulation system of the proposed phase encourages safe movement for vehicles and pedestrians and is in compliance with the special development plan;

(Subdistrict)

The ability of a project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians. (Site Plan Review)

- >> Subdistrict 1 will be served by a 1,750-space parking garage. A portion of the garage will be located under the office building with two garage entrances. A limited garage entrance is located off the east/west service alley to the rear. The alley intersects with Carondelet Plaza to the south and also connects to The Crescent development's garage entrance as well as Forsyth Boulevard to the northeast. The main entrance to the parking structure is proposed via Forsyth Boulevard. The entrance location will create a 4-way intersection with North Lyle Avenue and will be signalized. It should be noted that the parking spaces provided in Subdistrict 1 may not have the ability to accommodate all of the office and retail space in Subdistrict 1; therefore, the parking provided in Subdistrict 2A will be used to make up the difference.

- 10) *The site plan must state that all driveways, sidewalks, curbs and gutters are to be installed in accordance with the standards prescribed by the Public Works Department. (Site Plan Review)*

- >> New streetscape will be installed along the project limits on Forsyth Boulevard, Hanley Road, Carondelet Plaza and South Lyle Avenue. Staff is of the opinion that all driveways, sidewalks, curbs and gutters are to be installed in accordance with city standards.

Parking

- 13) *The type and location of parking provisions. (Site Plan Review)*

- >> The Special Development Plan requires 2,297 parking spaces and 1,757 are proposed in the parking structure.
- >> The Special Development Plan requires five loading spaces and five are proposed underneath the building.
- >> The Special Development Plan requires 54 bicycle parking racks and 54 are proposed; however, the plans do not indicate their specific design, location or layout.

Design & Materials

14) *The materials, design and uses are compatible with the neighborhood surrounding the proposed development phase and the City as a whole. Architecture and building materials are consistent with the design of the special development plan, are consistent with other phases and are compatible with the adjacent neighborhood. (Subdistrict)*

>> According to the City's contracted architect, the proposed project appears to be a generally well-designed, high-quality building that exhibits distinctive and identifiable characteristics. The proposed project will be a significant positive addition to the area and Downtown as a whole. The office tower will be designed with similar materials and features to the existing Centene tower to the west, incorporating a glass curtain wall which is visually appealing and harmonious with the surrounding urban context. The proposed garages will be clad in approximately 75 percent brick precast. The design and materials along with the proposed glazing, give the building the appearance of a multi-family residential structure, rather than a parking structure. The design uses inset ground floor storefronts, inset window openings, vertical façade articulations and material changes along the length of the facades.

15) *The location and screening of a project's air-conditioning units and other associated equipment. (Site Plan Review)*

>> Mechanical equipment will be located on the rooftop within a metal panel and curtain wall penthouse.

>> The garage roof will contain a masonry and aluminum system with louvres. A frosted glass façade will also be used to screen the core circulation equipment.

16) *The location, adequacy and screening for trash. (Site Plan Review)*

>> Trash will be stored inside the building adjacent to the loading docks and screened by a rolling metal door.

Grading and Drainage

17) *Every attempt shall be made to preserve the topography of the property. If the topography must be altered to accommodate construction, the plan must contain specific information regarding the proposed topography change and its impact on the flow of drainage on adjacent properties. (Subdistrict)*

Provisions for storm surface drainage shall be in accordance with the City's design standards. Stormwater drainage shall be connected to a storm sewer whenever one is available as determined by the City. Disposal of storm or natural waters both on and off the site shall be provided in such a manner as not to have a detrimental effect on the property of others or the public right-of-way. (Site Plan Review)

>> The existing stormwater runoff, according to the MSD 15 year, 20 minute calculation, is 10.63 cubic feet per second (CFS). The proposed runoff is 9.37 CFS, which represents a decrease in 1.26 CFS. Stormwater runoff from the site

will be piped directly to the public storm sewer system. The Public Works Department has reviewed the site plan and finds the stormwater plan acceptable.

Utilities

19) Existing or proposed utility services are adequate for the proposed subdistrict and are in conformance with the special development plan. (Subdistrict)

>> All connections to public utilities are shown on the plans to be installed in accordance with the standards of the Public Works Department.

20) Provision of hookups to public utilities connections shall be installed in accordance with the standards of the Public Works Department. All connections shall be shown on the site plan. (Subdistrict)

>> Staff is of the opinion that hookups to public utility connections will be installed in accordance with city standards.

Lighting

21) All developments shall provide adequate lighting to assure safety and security. Lighting installations shall not have an adverse impact on traffic safety or on the surrounding area. Light sources shall be shielded and there shall be no spillover onto adjacent properties. (Site Plan Review).

>> The proposed lighting plan utilizes full cut off optics, shielded optics and wattages per head of less than 75 watts.

Public Safety

22) Treatment of bulk trash disposal and other environmental health matters shall meet code requirements. (Site Plan Review).

>> The project, as proposed, meets the code requirements for bulk trash disposal.

23) The Fire Department shall review all site plans to determine adequacy of access and other aspects of public safety. (Site Plan Review).

>> The Fire Department has reviewed the plans and finds them acceptable.

24) The promotion of public safety and benefit to the general welfare, as evidence that the project is in compliance with good planning practices and principles. (Site Plan Review).

>> The project, as proposed, is consistent with good planning practices and principles.

25) A project's impact will not overtax public utilities, services or other municipal facilities. (Site Plan Review)

>> At this time, staff does not anticipate adverse impacts regarding public utilities, services or municipal facilities.

CONCLUSION

The proposed project appears to be a generally well-designed, high-quality building that exhibits distinctive and identifiable characteristics. The proposed project will be a significant positive addition to the area and Downtown as a whole. Staff is of the opinion that if revised as recommended, the project would comply with the criteria for approval of a Special Development Subdistrict and Site Plan Review.

STAFF RECOMMENDATION

To approve the Site Plan and recommend approval of the Subdistrict Plan to the Board of Aldermen with the following conditions:

1. Landscaping
 - a. L104/105 -The corner of Hanley Road and Forsyth Boulevard is dominated by pavement. Integrate planters and amenities into the on-structure plaza. The proposed planters are stiff, geometric and less approachable than previous designs.
 - b. L113 - Section 4 – The planting beds on Carondelet are too narrow to contribute to landscape buffering. Re-evaluate the width of the drop-off and enhance the landscape approach at this frontage.
 - c. L114 – Detail 12 – a stone fountain wall per the examples would add pedestrian appeal in lieu of the proposed precast wall. Consider revising.
 - d. Provide additional information about the green roof system(s) and typical sections.
 - e. Define the irrigation scope and methods.
 - f. The footings for the bollards extend into the street tree soil volume reducing the area contained by the tree grate. Reduce the footing size, location, etc. with an alternative structural design or other response to provide the additional soil volume of the soil trench required in the City of Clayton standard streetscape details. Provide section details.
 - g. At the Carondelet drop-off area, provide a section through the wall and streetscape to clarify the grade change and planting bed. It appears that there is a very narrow planting bed that is illustrated larger than it actually is when hatched on L102. An attractive landscape environment should be provided between the public realm and the drop off.
 - h. Coordinate the street tree locations on Hanley with the pedestrian bridge. The bridge overlaps column line R which will not provide much room for a tree canopy in the side to side direction. In addition, the bottom of the bridge is 23' from the sidewalk elevation. Further coordination of the bridge and trees is needed as the tree type is selected.
 - i. Plantings at Carondelet drop-off and Forsyth Plaza are on-structure. Provide a typical detail for how trees and planting beds will be designed to provide adequate soil volume and drainage.
 - j. Provide plantings in the reconfigured median within the Carondelet right of way. Show this area on the drawings.
 - k. Provide planter pots at both plazas.
 - l. All ramp details and spot grades for directional curb ramps per PROWAG shall be submitted to both St. Louis County and the City of Clayton for review and approval.

2. Public Works

- a. Final streetscape design shall be approved by the City of Clayton Public Works Department.
- b. Electrical and irrigation systems shall be approved by the Public Works Department.
- c. General layout of street trees and lights shall be approved by the Public Works Department.
- d. Expansion and tooled joint layouts shall be approved by the Public Works Department.
- e. Provide a plan for temporary utility relocation.
- f. Identify all service vehicle plans (deliveries, trash, etc.).
- g. Remove all material from the streetscape easement that does not conform to city streetscape standards (i.e. Brick pavers).
- h. Crosswalks shall be installed to city standards at the following intersections: Hanley and Carondelet; Hanley and Forsyth; Forsyth and Lyle; Forsyth and Lee; Forsyth and Carondelet Plaza; Forsyth and Sub-District 3 Service Drive; and Carondelet Plaza at the Circle.
- i. During construction the contractor shall provide a covered pedestrian walkway on Carondelet Plaza. At all times there shall be pedestrian access from north Forsyth sidewalk to the Carondelet circle.
- j. The developer shall install City approved wayfinding signs are part of the City of Clayton streetscape.



REQUEST FOR ARCHITECTURAL REVIEW BOARD CONSIDERATION

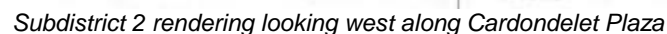
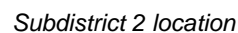
Date:	December 19, 2016
Applicant:	Bob Clark, CEO of Clayco Construction
Owner:	Hanley Forsyth, LLC; Forhan, LLC; Centene Center II, LLC; Clayton Property Investment LLC
Project Address:	Part of 7518, 7520, 7528, 7634 Forsyth Boulevard; 10 South Lyle Avenue; Part of 15" W East/West Alley from South Lyle Avenue
Item Type:	Architectural Review/Request for Action Subdistrict 2A
Staff:	Susan M. Istenes, AICP, Director
Summary:	Review of the design and materials associated with the construction of a mixed-use parking/commercial building for Subdistrict 2A of the Centene Clayton Campus.

BACKGROUND & SUMMARY

In an effort to assist planning staff and the decision making bodies to make informed decisions regarding new development projects, the City has contracted with H3 Studio to review and analyze development proposals for compliance with the City's adopted ordinances, plans, and best practices in urban design and architecture. The analysis and recommendations in this staff report are summarized from a report prepared by H3 Studio.

The former Subdistrict 2 (as identified in the original SDD Plan approved on September 27, 2016) is proposed to be divided into three distinct districts, Subdistrict 2A, Subdistrict 2B and Subdistrict 2C. The combined gross area of the three subdistricts is approximately 817,000 gross square feet. The Subdistrict 2A plan represents one of six phases of the Centene Clayton Campus Special Development District (SDD). Subdistrict 2A is located on Forsyth Boulevard, directly east of Lyle Avenue. It is 1.15 acres in size and will be developed with a mixed retail/ parking structure which includes 4,368 gross square feet of retail ready space and 560,171 gross square feet of parking for 1,510 cars. Five levels of parking will be located below grade; eight levels located in the structure and one level of mezzanine parking will be provided. The building is 83 feet 6 inches tall, from the average grade to the top of the parking deck wall. The gross area of buildings within Subdistrict 2A, including support space and parking, is 569,479 gross square feet. The site measures 1.15 acres. This building is of a two-sided configuration with frontages on both Forsyth Boulevard and Lyle Avenue. Retail tenant spaces are located at street level along Forsyth Boulevard. Subdistrict 2C (fronting on Carondelet Plaza and located on the south side of this proposed structure) features a multi-story residential "liner building" that screens that parking garage south frontage. Building materials include a transparent glazed storefront system and glass screen; architectural aluminum canopy system; architectural aluminum screen of perforated, canted panels on the Forsyth Boulevard parking garage elevation; brick

The proposed Centene Clayton Campus development is located amidst a number of distinctive, high- and mid-rise office, mixed-use, and hospitality developments. Centene Plaza (7700 Forsyth Boulevard; built in 2009), a 17-story, glass curtain wall, contemporary office tower and attached parking garage, is the model for the design and materials of the four proposed buildings.



The following design criteria were compiled from existing zoning requirements, guidelines, and recommendations of the Downtown Master Plan.

1) *Pedestrian scaled design for first 25' from ground (approximately 2 stories) such as first floor retail, residential stoops, breaks in façade, building stepbacks.*

- Notice of this request was sent to property owners within 200 feet of the subject property.*

west end of the building features a glazed, retail-like façade concealing the required parking ramps. The appearance of this façade treatment, as well as what will be visible behind it, is not sufficiently represented in the submittal. 3D digital renderings specifying materials, material transparency, and accurately representing the appearance of the building must be provided before this review can be accurately completed.

- 2) *Street level (ground floor) elevation facing the street should be storefront architecture with large show windows interrupted at regular intervals with building piers and generous entrances. Blank walls, long uninterrupted show windows, odd shaped and small show windows should be avoided.*

>> The building design of Subdistrict 2A meets this requirement. Ground floor elevations feature glass storefront architecture with the building pier structure expressed outside of the curtain wall envelope along Forsyth Boulevard. This includes functional commercial storefronts on the east end of the building and a glazed, retail-like façade concealing the required parking ramps and creating a contiguous retail typology along the entire Forsyth elevation. The building design also incorporates the use of inset ground floor facades, vertical façade step backs, variations in parapet wall heights, and material and curtain wall changes along the façade.

- 3) *Parking structures abutting the street should have ground level retail, commercial service and food establishments facing the sidewalk.*

>> The building design of Subdistrict 2A meets this requirement. Ground floor elevations feature glass storefront architecture with the building pier structure expressed outside of the curtain wall envelope along Forsyth Boulevard. This includes retail tenant spaces at the east end of the building and elevator lobbies at both the northeast and northwest corners. The remainder of the building features a glazed, retail-like façade concealing the required parking ramps and an aluminum entry canopy, creating a contiguous retail typology along the entire Forsyth Boulevard elevation.

Massing & Articulation

- 4) *Orient height along Forsyth Boulevard.*

>> The building design of Subdistrict 2A meets this requirement. The full height of the building is pushed to the frontage along Forsyth Boulevard.

- 5) *Building skylines should provide interest through introduction of compatible shapes and roof forms. Long uninterrupted cornices should be avoided.*

>> The building design of Subdistrict 2A meets this requirement, as it utilizes vertical façade setbacks and three different parapet wall heights, including the articulation of stair and elevator towers at the northeast and northwest corners of the façade.

- 6) *Facade relief should be incorporated into all building elevations. Long uninterrupted elevations should be avoided.*

>> The building design of Subdistrict 2A meets this requirement through the use of inset ground floor facades, vertical façade stepbacks, variations in parapet wall heights and material and curtain wall changes along the façade.

- 7) *Window openings should be incorporated into all building elevations. Blank walls, long horizontal openings, odd shapes and glass walls should be avoided.*

>> The building design of Subdistrict 2A meets this requirement. The parking structure facing Forsyth Boulevard features a regular pattern of window openings with wall cladding in brick veneer and architectural precast panels.

- 8) *The upper story of parking structures abutting the street should be of design material and color compatible with the urban setting.*

>> The building design of Subdistrict 2A does not meet this requirement. While the Forsyth Boulevard façade, as described above, features design and materials compatible with the surrounding urban context, the east facing and south-facing (Carondelet Plaza) facades are shrouded in an indeterminate amount of cladding or screening. Although these facades are intended to be screened by future phases of development (Subdistrict 2B and 2C), these facades will be visible from multiple streets until such time as these future phases are complete. Furthermore, the future completion of the phases is not guaranteed. Therefore, the architect should utilize a lightweight, architectural screening system to conceal the east and south facades, which can be removed during subsequent construction of Subdistricts 2B and 2C. Update: The applicant has submitted a revision to clad the east and south “temporary” facades with a textured concrete surface complementary to the urban setting (SD1, Crescent, Plaza, Ritz).

CONCLUSION

The proposed project appears to be a generally well-designed, high-quality building that exhibits distinctive and identifiable characteristics. As part of the multi-phased Subdistrict 2, the proposed project will be a significant positive addition to the area and the downtown as a whole.

STAFF RECOMMENDATION

Numbers 1 and 3, listed below, need to be provided by the applicant and reviewed by staff in order for staff to complete its review and provide a recommendation. As an option, the ARB could approve the project subject to staff review and approval of items 1 and 3. If the ARB is inclined to do that, then staff recommends approval subject to condition numbers 2 and 4, listed below.

1. The appearance of the façade treatment for the west end of the building, as well as what will be visible behind it, is not sufficiently represented. Provide photorealistic, 3D digital renderings showing building materials, colors, transparency, reflectivity, landscape elements, and surrounding context of neighboring buildings, or something similar. A

minimum of four (4) renderings per Subdistrict should be provided in order to adequately illustrate the project.

2. The proposed sign locations and information is for conceptual purposes only. A comprehensive sign plan shall be approved by the ARB prior to the issuance of any sign permits.
3. More details (elevation drawings, material, color, etc.) are needed to properly evaluate the south and east temporary facades of the parking structure on the south and east sides.
4. The two required loading docks shall be constructed in the initial construction phase of the garage development.



REQUEST FOR CITY PLAN COMMISSION REVIEW

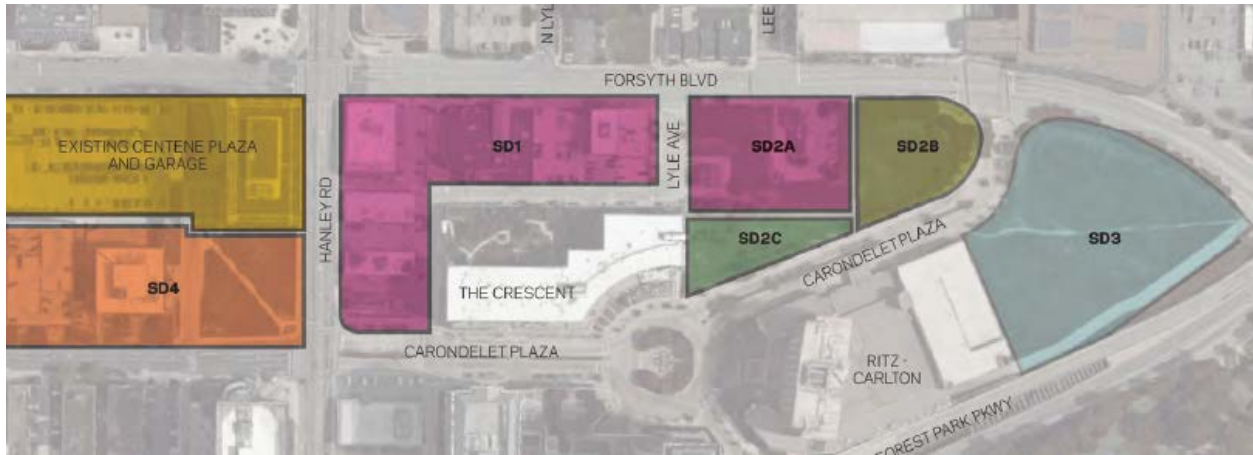
Date:	December 19, 2016
Applicant:	Bob Clark, CEO of Clayco Construction
Owner:	Hanley Forsyth, LLC; Forhan, LLC; Centene Center II, LLC; Clayton Property Investment LLC
Project Address:	Part of 7518, 7520, 7528, 7634 Forsyth Boulevard; 10 South Lyle Avenue; Part of 15" W East/West Alley from South Lyle Avenue
Item Type:	Special Development Subdistrict Plan & Site Plan Review for 2A
Staff:	Susan M. Istenes, AICP, Director
Summary:	Review of the Special Development Subdistrict Plan and Site Plan associated with the construction of a mixed-use parking and commercial building for Subdistrict 2A of the Centene Clayton Campus.

BACKGROUND & SUMMARY

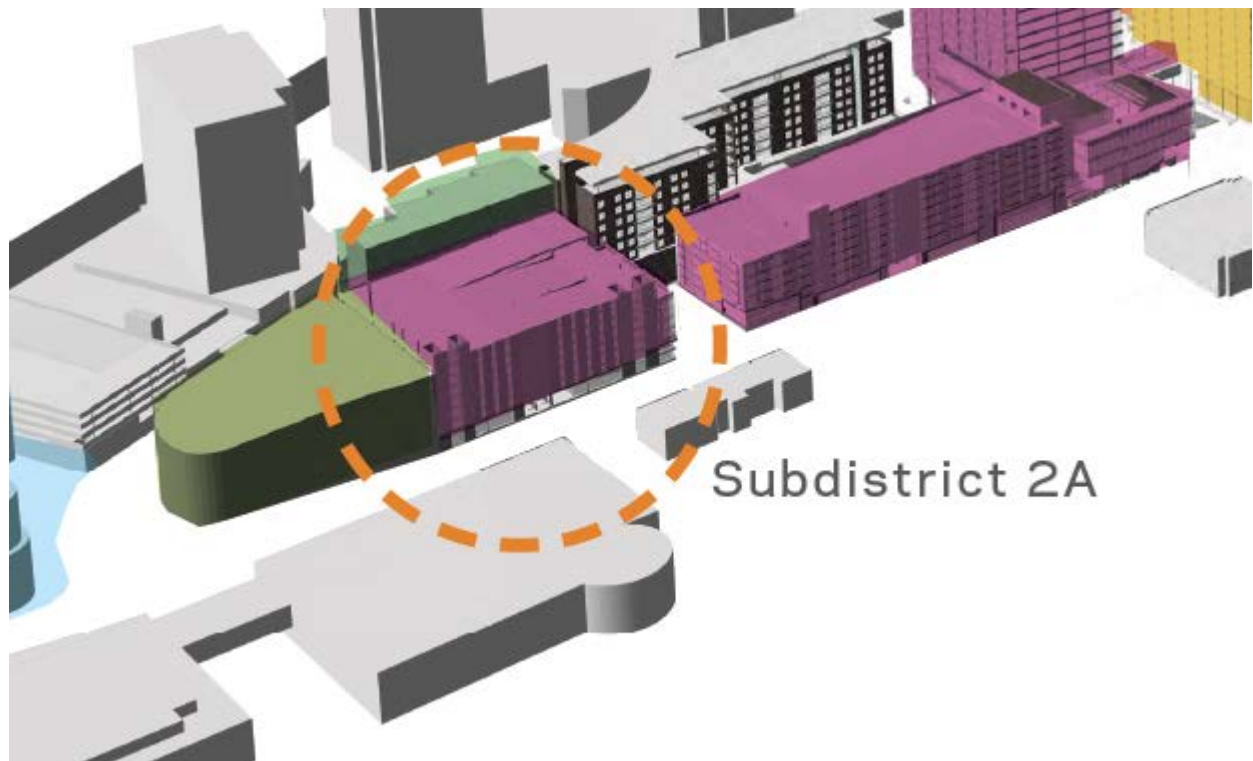
This is a request for consideration of a Subdistrict Plan and Site Plan Review for a retail/parking structure that supports the parking capacity needed for some Subdistrict 1 functions and the future Subdistrict 2B and 2C development. The former Subdistrict 2 (as approved in the original SDD Plan on September 27, 2016) is proposed to be divided into three distinct districts: Subdistrict 2A, Subdistrict 2B and Subdistrict 2C. The combined gross area of the three subdistricts is approximately 817,000 gross square feet. The Subdistrict 2A plan represents one of six phases of the Centene Clayton Campus Special Development District (SDD). These two reviews (site plan and subdistrict plan) are being considered together in this staff report because the project is a complete package with each element an integral part of the whole; however, they are listed separately on the agenda and should be voted on independently.

Subdistrict 2A is located on Forsyth Boulevard, directly east of Lyle Avenue. It is 1.15 acres in size and will be developed with a mixed retail/ parking structure which includes 4,368 gross square feet of retail ready space and 560,171 gross square feet of parking for 1,510 cars. Five levels of parking will be located below grade; eight levels located in the structure and one level of mezzanine parking. The gross area of buildings within Subdistrict 2A, including support space and parking, is 569,479 gross square feet.

SUBDISTRICT PLAN & SITE PLAN REVIEW



Subdistrict 2A



A Special Development District (SDD) is a distinct zoning classification for large-scale development. The purpose of the special development process is to encourage innovation in the planning and building of a large-scale development with a multi-phased, multi-year timeline. An

Notice of this request was sent to property owners within 200 feet of the subject property.

SDD is governed by a Special Development Plan and Subdistrict Plans, each of which require approval by the Board of Aldermen. The Special Development Plan provides the general development standards for the proposed development including the location of project phases and schedules, location and use of each proposed building, the maximum height and size of each building, the location of open space and landscape buffers, general traffic circulation and the location of parking.

The individual Subdistrict Plans provide detailed information related to each specific phase of the development. Each Subdistrict requires approval of a Subdistrict Plan (by the Board of Aldermen), Site Plan Review (by the Plan Commission), and Architectural Review (by the Architectural Review Board). The applicant is requesting consideration of the amendment to the Special Development Plan (SDD) and consideration for two of the six Subdistrict Plans (including Site Plan Review and Architectural Review) concurrently. Approval of the Rezoning/Special Development Plan is not contingent upon approval of the detailed Subdistrict Plans.

CRITERIA FOR APPROVAL

The Plan Commission shall recommend to the Board of Aldermen approval, approval with conditions or denial of the Special Development Subdistrict plan. The Plan Commission shall vote to approve, approve with conditions, or deny the plans for Site Plan Review. The criteria for approval of a Subdistrict Plan and Site Plan Review are listed below. Similar criteria have been combined for this analysis.

Compatibility

- 1) *If any City Master Plan contains recommendations that are specific to the area defined by the site plan, the Plan Commission shall review the site plan to determine its consistency with all applicable recommendations.(Site Plan Review)*

>> Staff is of the opinion that the project generally complies with the vision of the Downtown Master Plan. With implementation of staff's recommendations, staff is of the opinion that compliance with the Downtown Master Plan would be greatly enhanced.

- 2) *The proposed development is consistent with the special development plan for this site and complies with all other applicable codes and ordinances. (Subdistrict)*

>> The development is consistent with the proposed Special Development Plan.

- 3) *A project's compatibility with its environment and with other land uses and buildings existing in the surrounding area.(Site Plan Review)*

>> The proposed development is generally compatible in terms of use, mass and height with existing and proposed nearby structures.

Landscaping

(Analysis provided by the City's contracted landscape architect)

- 4) *The quantity, quality, utility, size and type of a project's required open space and proposed landscaping improvements. (Site Plan Review)*

>> The park space, Carondelet Plaza East, has been removed from the project. It no longer provides a relief from the continuous façade along Forsyth Boulevard. At this time the landscaped areas surrounding the corporate civic auditorium have not been developed for this submittal. These margins should be landscaped and designed to offer a dynamic relief from the repetitive streetscape and inactive building facades.

- 5) *Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts. (Subdistrict)*
New developments should be screened from adjacent properties by use of high caliper tree plantings. (Subdistrict)

>> The Clayton streetscape is provided along the street frontage of Forsyth Boulevard. A green screen wall is proposed on top of the garage wall adjacent to the residential land uses to the south (The Crescent) that should provide adequate screening for headlights from the top of the parking structure. Large areas of pavement on top of the garage should be interspersed with planted islands to reduce glare and provide shade.

- 6) *The preservation of mature trees is encouraged. (Subdistrict)*

>> All trees will be removed.

- 7) *Trees and Landscaping are appropriate with the scale of the development and consistent with Article XXX: Trees and Landscaping Regulations. (Subdistrict)*

>> Carondelet Plaza East has been removed from the project and no longer contributes to open spaces in Clayton. This area has been reduced to un-programmed margins around the proposed building.

Traffic & Circulation

- 8) *Streets or other means of access to the proposed phase of development meet City of Clayton standards and are suitable and adequate to carry anticipated traffic. (Subdistrict)*

The internal circulation system of the proposed phase encourages safe movement for vehicles and pedestrians and is in compliance with the special development plan; (Subdistrict)

The ability of a project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians. (Site Plan Review)

>> Subdistrict 2A will provide parking and retail programs primarily in support of Subdistrict 1 until 2B and 2C are constructed. The main entrance to the garage in

Subdistrict 2A will be located at the existing signalized intersection of Forsyth Boulevard and Lee Avenue. Future service access and a future residential access will be provided from Carondelet Plaza when Subdistrict 2B and 2C are constructed.

>> A traffic impact study was prepared by CBB to identify how much traffic would be generated by the proposed development; evaluate the ability of motorists to safely enter and exit the site at each access point; determine the impact of the additional trips on the adjacent roads; and recommend improvements, as needed, to mitigate the impact of the additional traffic and provide safe ingress and egress at each access drive. CBB does not recommend any specific improvements for this Subdistrict.

9) *The site plan must state that all driveways, sidewalks, curbs and gutters are to be installed in accordance with the standards prescribed by the Public Works Department. (Site Plan Review)*

>> New streetscape will be installed along the project limits on Forsyth Boulevard, South Lyle Avenue, and Carondelet Plaza. Staff is of the opinion that all driveways, sidewalks, curbs and gutters are to be installed in accordance with city standards.

Parking

10) *The type and location of parking provisions. (Site Plan Review)*

>> The Special Development Plan requires 15 parking spaces and 1,510 are proposed in the parking structure (the extra spaces will supplement the parking requirements for Subdistrict 1 and will provide parking for the future Subdistrict 2B and 2C).

>> The Special Development Plan requires one loading space and one is proposed underneath the building.

>> The Special Development Plan requires 2 bicycle parking racks and 2 are proposed; however, the plans do not indicate their specific design, location or layout.

Design & Materials

11) *The materials, design and uses are compatible with the neighborhood surrounding the proposed development phase and the City as a whole. Architecture and building materials are consistent with the design of the special development plan, are consistent with other phases and are compatible with the adjacent neighborhood. (Subdistrict)*

>> According to the City's contracted architect, the proposed project appears to be a generally well-designed, high-quality building that exhibits distinctive and identifiable characteristics. The proposed project will be a significant positive addition to the area and Downtown as a whole (see detailed analysis in Architectural Review memo).

12) *The location and screening of a project's air-conditioning units and other associated equipment. (Site Plan Review)*

>> The application and plans do not state where mechanical equipment will be located and how it will be screened.

13) *The location, adequacy and screening for trash. (Site Plan Review)*

>> The application and plans do not state where trash will be stored and how it will be screened.

Grading and Drainage

14) *Every attempt shall be made to preserve the topography of the property. If the topography must be altered to accommodate construction, the plan must contain specific information regarding the proposed topography change and its impact on the flow of drainage on adjacent properties. (Subdistrict)*

Provisions for storm surface drainage shall be in accordance with the City's design standards. Stormwater drainage shall be connected to a storm sewer whenever one is available as determined by the City. Disposal of storm or natural waters both on and off the site shall be provided in such a manner as not to have a detrimental effect on the property of others or the public right-of-way. (Site Plan Review)

>> The existing stormwater runoff, according to the MSD 15 year, 20 minute calculation, is 3.75 cubic feet per second (CFS). The proposed runoff is 4.83 CFS, which represents an increase in 1.08 CFS. Stormwater runoff from the site will be piped directly to the public storm sewer system. The Public Works Department has reviewed the site plan and finds the stormwater plan acceptable.

Utilities

15) *Existing or proposed utility services are adequate for the proposed subdistrict and are in conformance with the special development plan. (Subdistrict)*

>> All connections to public utilities are shown on the plans to be installed in accordance with the standards of the Public Works Department.

16) *Provision of hookups to public utilities connections shall be installed in accordance with the standards of the Public Works Department. All connections shall be shown on the site plan.(Subdistrict)*

>> Staff is of the opinion that hookups to public utility connections will be installed in accordance with city standards.

Lighting

17) *All developments shall provide adequate lighting to assure safety and security. Lighting installations shall not have an adverse impact on traffic safety or on the surrounding area. Light sources shall be shielded and there shall be no spillover onto adjacent properties. (Site Plan Review).*

- >> All exterior lighting is shown to be full cut off optics or fully shielded with 75 watts or less degree of brightness.

Public Safety

18) *Treatment of bulk trash disposal and other environmental health matters shall meet code requirements. (Site Plan Review).*

- >> The project, as proposed, meets the code requirements for bulk trash disposal.

19) *The Fire Department shall review all site plans to determine adequacy of access and other aspects of public safety. (Site Plan Review).*

- >> The Fire Department has reviewed the plans and finds them acceptable.

20) *The promotion of public safety and benefit to the general welfare, as evidence that the project is in compliance with good planning practices and principles. (Site Plan Review).*

- >> The project, as proposed, is consistent with good planning practices and principles.

21) *A project's impact will not overtax public utilities, services or other municipal facilities. (Site Plan Review)*

- >> At this time, staff does not anticipate adverse impacts regarding public utilities, services or municipal facilities.

CONCLUSION

The proposed project appears to be a generally well-designed, high-quality building that exhibits distinctive and identifiable characteristics. The proposed project will be a significant positive addition to the area and Downtown as a whole. Staff is of the opinion that if revised as recommended, the project would comply with the criteria for approval of a Special Development Subdistrict and Site Plan Review.

STAFF RECOMMENDATION

To approve the Site Plan and to recommend approval of the Subdistrict Plan to the Board of Aldermen with the following conditions:

1. Public Works
 - a. Final streetscape design shall be approved by the City of Clayton Public Works Department.
 - b. Electrical and irrigation systems shall be approved by the Public Works Department.
 - c. General layout of street trees and lights shall be approved by the Public Works Department.
 - d. Expansion and tooled joint layouts shall be approved by the Public Works Department.
 - e. Provide a plan for temporary utility relocation.
 - f. Identify all service vehicle plans (deliveries, trash, etc.).
 - g. Remove all material from the streetscape easement that does not conform to city streetscape standards (i.e. Brick pavers).

- h. Crosswalks shall be installed to city standards at the following intersections: Hanley and Carondelet; Hanley and Forsyth; Forsyth and Lyle; Forsyth and Lee; Forsyth and Carondelet Plaza; Forsyth and Sub-District 3 Service Drive; and Carondelet Plaza at the Circle.
 - i. During construction the contractor shall provide a covered pedestrian walkway on Carondelet Plaza. At all times there shall be pedestrian access from north Forsyth sidewalk to the Carondelet circle.
- 2. Other
 - a. Submit plans showing where mechanical equipment will be located and how it will be screened.
 - b. Submit plans showing where trash will be stored and how it will be screened.
 - c. The proposed sign locations and information is for conceptual purposes only. A comprehensive sign plan shall be approved by the ARB prior to the issuance of any sign permits.
 - d. Work with the staff to come up with an agreeable plan to establish planted landscaped areas comprised of planter boxes, planter islands or something similar on top of the garage structure in order to break up the paved areas.
 - e. Gate the entrance/exit to the south accesses to the garage from Carondelet Plaza.



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR SANGER; BOARD OF ALDERMEN

FROM: CRAIG S. OWENS, CITY MANAGER
SUSAN M. ISTENES, AICP, DIRECTOR OF PLANNING AND DEV.
SERVICES

DATE: JANUARY 10, 2017

SUBJECT: PUBLIC HEARING - AN ORDINANCE ADOPTING A SPECIAL
DEVELOPMENT SUBDISTRICT PLAN TO BE KNOWN AS
SUBDISTRICT 1 FOR THE CENTENE CLAYTON CAMPUS
DEVELOPMENT

BACKGROUND and PROJECT DESCRIPTION

The proposed Subdistrict 1 is located at the southeast corner of the intersection of Forsyth Boulevard and Hanley Road directly east of the current Centene headquarters (7700 Forsyth Boulevard). The site measures 2.81 acres. The proposed project includes a 30-story (plus 4 stories below grade), 1,387,644-gross-square-foot building including 625,735 gross square feet of office, 63,223 gross square feet of retail, and a 1,757-space of parking garage a portion of which is located under the office/retail tower and above and below grade on the parcel of land to the east currently occupied by the Wellbridge Fitness Center. The gross area of Subdistrict 1 including support space and parking is 1,387,644 gross square feet. This request is being considered concurrently with a request to amend the previously adopted Special Development District and Plan (adopted by Ordinance Nos. 6444 and 6445). The Special Development Plan provides the general development standards for the proposed development including the location of project phases and schedules, location and use of each proposed building, the maximum height and size of each building, the location of open space and landscape buffers, general traffic circulation and the location of parking.

The individual subdistrict plans provide detailed information related to each specific phase of the development. Each subdistrict requires approval of a Subdistrict Development Plan (by the Board of Aldermen), Site Plan Review (by the Plan Commission), and Architectural Review (by the Architectural Review Board).

Special Development Plan & Public Benefits

The Special Development Plan (SDD) includes development standards regarding the use, area, height, and parking associated with the proposed development. The Board of Aldermen has the authority to determine a Subdistrict Development Plan's conformance with the Special Development Plan. Once approved, the Subdistrict Development Plan and ordinance becomes the specific zoning regulations governing the use and development of the property in that subdistrict.

The following table lists the applicable development standards from the Special Development Plan and whether the proposed subdistrict development complies with each standard.

Development Standard	Requirement/Limitation	Proposed	Complies with Standard
Use	Office, Commercial Retail/Retail Ready and Parking	Commercial, Retail Office and Parking	Yes
Building area	+/-1.39 million gross square feet	1.388 gross square feet	Yes
Building height	No more than 420 feet	No more than 420 feet	Yes
Parking Spaces	Total allowable for all Subdistricts = 5,800 ; 2,297 required	1,757	Yes*

*Deficiency will be made up parking constructed as part of Subdistrict 2A

Design & Materials

See detailed analysis, page 7 of attached staff report dated December 19, 2016. Staff is of the opinion that the building is compatible in terms of materials, mass, height, and design with existing nearby structures.

Landscaping

See detailed analysis, page 5 of attached staff report dated December 19, 2016. Consideration needs to be given to incorporate additional planted areas at the corner of Hanley Road and Forsyth Boulevard; between the Carondelet drop off and the public realm and the redesign of the 6 foot tall raised planter/fountain wall which blocks the view of the plaza from Hanley Road.

Stormwater

See detailed analysis on page 7 of the attached staff report dated December 19, 2016. The proposed stormwater runoff is less than existing. Stormwater runoff from the site will be piped directly to the public storm sewer system. The project has received conceptual approval from the Metropolitan Sewer District.

Traffic & Circulation

See detailed analysis page 6 of the attached staff report dated December 19, 2016. Conditions of approval pursuant to the detailed traffic analysis prepared per the original SDD application have been incorporated into the proposed amendments to the Special Development Plan, the application for which is under simultaneous consideration for approval with the Subdistrict Plan.

Parking & Loading

See detailed analysis on page 6 of the attached staff report dated December 19, 2016.

Downtown Master Plan

Subdistrict 1 is located in the Forsyth Village District as identified in the Downtown Master Plan. The vision of the district is to “create a dense, walkable, mixed-use district including a significant new urban residential development oriented around the Forsyth Metrolink Station with appropriate connections to the existing development at Carondelet Plaza and the adjacent neighborhoods”. The plan identifies both Forsyth Boulevard and Carondelet Plaza as pedestrian priority zones.

Staff is of the opinion that the project complies with the vision of the Downtown Master Plan.

PLAN COMMISSION RECOMMENDATION

On December 19, 2016, the Plan Commission voted 5-0 to recommend approval of the Subdistrict Development Plan to the Board of Aldermen with the following conditions:

1. Landscaping

- a. L104/105 -The corner of Hanley Road and Forsyth Boulevard is dominated by pavement. Integrate planters and amenities into the on-structure plaza. The proposed planters are stiff, geometric and less approachable than previous designs.
- b. L113 - Section 4 – The planting beds on Carondelet are too narrow to contribute to landscape buffering. Re-evaluate the width of the drop-off and enhance the landscape approach at this frontage.
- c. L114 – Detail 12 – a stone fountain wall per the examples would add pedestrian appeal in lieu of the proposed precast wall. Consider revising.
- d. Provide additional information about the green roof system(s) and typical sections.
- e. Define the irrigation scope and methods.
- f. The footings for the bollards extend into the street tree soil volume reducing the area contained by the tree grate. Reduce the footing size, location, etc. with an alternative structural design or other response to provide the additional soil volume of the soil trench required in the City of Clayton standard streetscape details. Provide section details.
- g. At the Carondelet drop-off area, provide a section through the wall and streetscape to clarify the grade change and planting bed. It appears that there is a very narrow planting bed that is illustrated larger than it actually is when hatched on L102. An attractive landscape environment should be provided between the public realm and the drop off.
- h. Coordinate the street tree locations on Hanley with the pedestrian bridge. The bridge overlaps column line R which will not provide much room for a tree canopy in the side to side direction. In addition, the bottom of the bridge is 23' from the sidewalk elevation. Further coordination of the bridge and trees is needed as the tree type is selected.
- i. Plantings at Carondelet drop-off and Forsyth Plaza are on-structure. Provide a typical detail for how trees and planting beds will be designed to provide adequate soil volume and drainage.
- j. Provide plantings in the reconfigured median within the Carondelet right of way. Show this area on the drawings.
- k. Provide planter pots at both plazas.
- l. All ramp details and spot grades for directional curb ramps per PROWAG shall be submitted to both St. Louis County and the City of Clayton for review and approval.

2. Public Works

- a. Final streetscape design shall be approved by the City of Clayton Public Works Department.
- b. Electrical and irrigation systems shall be approved by the Public Works Department.
- c. General layout of street trees and lights shall be approved by the Public Works Department.
- d. Expansion and tooled joint layouts shall be approved by the Public Works Department.
- e. Provide a plan for temporary utility relocation.

- f. Identify all service vehicle plans (deliveries, trash, etc.).
- g. Remove all material from the streetscape easement that does not conform to city streetscape standards (i.e. Brick pavers).
- h. Crosswalks shall be installed to city standards at the following intersections: Hanley and Carondelet; Hanley and Forsyth; Forsyth and Lyle; Forsyth and Lee; Forsyth and Carondelet Plaza; Forsyth and Sub-District 3 Service Drive; and Carondelet Plaza at the Circle.
- i. During construction the contractor shall provide a covered pedestrian walkway on Carondelet Plaza. At all times there shall be pedestrian access from north Forsyth sidewalk to the Carondelet circle.
- j. The developer shall install City approved wayfinding signs are part of the City of Clayton streetscape.
- k. South Lyle Avenue at Forsyth Boulevard shall be constructed to have four lanes: one southbound lane, two northbound left-turn lanes, and one shared through/right-turn lane

STAFF RECOMMENDATION

To conduct a public hearing and adopt an ordinance approving the Special Development Subdistrict Plan, for Subdistrict 1 pursuant to the recommendations from the Plan Commission.

BILL NO. 6595

ORDINANCE NO.

AN ORDINANCE APPROVING A SUBDISTRICT 1 SUBDISTRICT DEVELOPMENT PLAN FOR THE CENTENE CLAYTON CAMPUS SPECIAL DEVELOPMENT DISTRICT; AND OTHER ACTIONS RELATED THERETO.

WHEREAS, on September 27, 2016, the Board of Aldermen adopted Ordinance Nos. 6444 and 6445, approving a Special Development District (SDD) and Special Development Plan ("SDD Development Plan") for the area generally bounded by South Bemiston Avenue on the west, Forest Park Parkway/University City municipal boundary on the east, Forsyth Boulevard on the North and Carondelet Plaza/Carondelet Avenue on the south as depicted on "Page C100, of the Special Development District and Plan", incorporated herein by reference; and

WHEREAS, the property to which this Ordinance applies is identified in the survey dated December 14, 2016, page C100 of the Special Development District Plan and identified as Subdistrict 1 therein; and

WHEREAS, on December 14, 2016, the City of Clayton's Planning Department received an application from Robert Clark, CEO, of Clayco, Inc. on behalf of property owners of the subject property, for the development of a 30-story (plus 4 stories below grade), 1,387,644-gross-square-foot building including 625,735 gross square feet of office, 63,223 gross square feet of retail, and a 1,757-space parking structure; and

WHEREAS, as part of the review of an SDD Project, each Phase must be approved separately as a Subdistrict Development Plan; and

WHEREAS, this Board has received the favorable report of the City Plan Commission with respect to the approval of the Subdistrict Development Plan for Subdistrict 1; and

WHEREAS, all interested parties have been given an opportunity to be heard before this Board with regard to the Project; and

WHEREAS, upon due consideration, this Board of Aldermen has determined that the approval of the plan would be in the best interest of the City and its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

Section 1: Findings and Development Plan Approval

- A. The Subdistrict 1 Subdistrict Development Plan for the Centene Clayton Campus Special Development District development, dated December 14, 2016, as prepared by Clayco, Inc. on behalf of Hanley-Forsyth, LLC, and on file in the City Clerk's Office ("Subdistrict Development Plan"), as submitted by Clayco, Inc., is hereby approved, this Board having found and determined that the project, as set forth in the aforesaid SDD Development Plan, furthers the following objectives as specified in Article IX "Special

Development District”, Section 405.1250 “Criteria for Approval-Subdistrict Development Plan”:

1. The proposed development is consistent with the SDD Development Plan for this site;
 2. Streets or other means of access to the proposed phase of development meet City of Clayton standards and are suitable and adequate to carry anticipated traffic;
 3. The internal circulation system of the proposed phase encourages safe movement for vehicles and pedestrians and is in compliance with the SDD Development Plan;
 4. Existing or proposed utility services are adequate for the proposed Subdistrict and is in conformance with the SDD Development Plan;
 5. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;
 6. Architecture and building materials are consistent with the design of the SDD Development Plan, are consistent with other phases, and are compatible with the adjacent neighborhood;
 7. Landscaping is appropriate with the scale of the development and consistent with any applicable City Codes, Ordinances and Standards;
 8. Topography of the property has been preserved in all relevant respects; and any topographic changes are such that they are not expected to adversely impact the flow of drainage on adjacent properties;
 9. A landscape plan depicting all new plantings for the phase has been submitted as part of the plan and approved; screening the development from adjacent properties is neither feasible nor desirable under the SDD Development Plan;
 10. Tree preservation measures comply with all applicable City codes and standards;
 11. The materials, design and uses of the Subdistrict Development Plan are compatible with the neighborhood surrounding the proposed development phase and the City as a whole; and,
 12. The proposed development phase complies with all other applicable codes and ordinances.
- B. The Board of Aldermen finds that the Subdistrict Development Plan provides the following public benefits as referenced in Article IX “Special Development District”, Section 405.1190 “Public Benefit”:
1. Architectural distinction and significance that make the development noteworthy;
 2. Extensive use of high quality building materials that add significant value to the property and benefit adjacent properties;
 3. Provision of new public infrastructure including, but not limited to streets, curbs, sidewalks, sanitary sewers, storm water sewers, lighting, and
 4. Inclusion of street level landscape garden, plaza or park available for public use.
- C. The approval of the Subdistrict Development Plan by the Board of Aldermen is hereby subject to the following conditions:
1. That the property identified as Subdistrict 1 be developed in accordance with the approved plans dated December 14, 2016, as amended pursuant to the conditions listed below and that the project is subject to certain development standards including, but not limited to those identified on Page C100 of the Special Development Subdistrict 1 plans dated December 14, 2016.
 2. The applicant shall comply with the following conditions:

3. Landscaping

- a. L104/105 -The corner of Hanley Road and Forsyth Boulevard is dominated by pavement. Integrate planters and amenities into the on-structure plaza. The proposed planters are stiff, geometric and less approachable than previous designs.
- b. L113 - Section 4 – The planting beds on Carondelet are too narrow to contribute to landscape buffering. Re-evaluate the width of the drop-off and enhance the landscape approach at this frontage.
- c. L114 – Detail 12 – a stone fountain wall per the examples would add pedestrian appeal in lieu of the proposed precast wall. Consider revising.
- d. Provide additional information about the green roof system(s) and typical sections.
- e. Define the irrigation scope and methods.
- f. The footings for the bollards extend into the street tree soil volume reducing the area contained by the tree grate. Reduce the footing size, location, etc. with an alternative structural design or other response to provide the additional soil volume of the soil trench required in the City of Clayton standard streetscape details. Provide section details.
- g. At the Carondelet drop-off area, provide a section through the wall and streetscape to clarify the grade change and planting bed. It appears that there is a very narrow planting bed that is illustrated larger than it actually is when hatched on L102. An attractive landscape environment should be provided between the public realm and the drop off.
- h. Coordinate the street tree locations on Hanley with the pedestrian bridge. The bridge overlaps column line R which will not provide much room for a tree canopy in the side to side direction. In addition, the bottom of the bridge is 23' from the sidewalk elevation. Further coordination of the bridge and trees is needed as the tree type is selected.
- i. Plantings at Carondelet drop-off and Forsyth Plaza are on-structure. Provide a typical detail for how trees and planting beds will be designed to provide adequate soil volume and drainage.
- j. Provide plantings in the reconfigured median within the Carondelet right of way. Show this area on the drawings.
- k. Provide planter pots at both plazas.
- l. All ramp details and spot grades for directional curb ramps per PROWAG shall be submitted to both St. Louis County and the City of Clayton for review and approval.

4. Public Works

- a. Final streetscape design shall be approved by the City of Clayton Public Works Department.
- b. Electrical and irrigation systems shall be approved by the Public Works Department.
- c. General layout of street trees and lights shall be approved by the Public Works Department.
- d. Expansion and tooled joint layouts shall be approved by the Public Works Department.
- e. Provide a plan for temporary utility relocation.
- f. Identify all service vehicle plans (deliveries, trash, etc.).

- g. Remove all material from the streetscape easement that does not conform to city streetscape standards (i.e. Brick pavers).
- h. Crosswalks shall be installed to city standards at the following intersections: Hanley and Carondelet; Hanley and Forsyth; Forsyth and Lyle; Forsyth and Lee; Forsyth and Carondelet Plaza; Forsyth and Sub-District 3 Service Drive; and Carondelet Plaza at the Circle.
- i. During construction the contractor shall provide a covered pedestrian walkway on Carondelet Plaza. At all times there shall be pedestrian access from north Forsyth sidewalk to the Carondelet circle.
- j. The developer shall install City approved wayfinding signs are part of the City of Clayton streetscape.
- k. South Lyle Avenue at Forsyth Boulevard shall be constructed to have four lanes: one southbound lane, two northbound left-turn lanes, and one shared through/right-turn lane

Section 2: Implementation

The City Manager is hereby authorized and directed to take all such actions as may be necessary and proper (or to cause the same to be taken) in order to implement the approval of the Subdistrict Plan authorized by this Ordinance.

Section 3: Effective Date

This Ordinance shall be in full force and effect after its passage and adoption by the Board of Aldermen.

Adopted this 10th day of January, 2017

Mayor

ATTEST:

City Clerk



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR SANGER; BOARD OF ALDERMEN

FROM: CRAIG S. OWENS, CITY MANAGER
SUSAN M. ISTENES, AICP, DIRECTOR OF PLANNING AND DEV.
SERVICES

DATE: JANUARY 10, 2017

SUBJECT: PUBLIC HEARING - AN ORDINANCE ADOPTING A SPECIAL
DEVELOPMENT SUBDISTRICT PLAN TO BE KNOWN AS
SUBDISTRICT 2A FOR THE CENTENE CLAYTON CAMPUS
DEVELOPMENT

BACKGROUND & PROJECT DESCRIPTION

Subdistrict 2A is located on Forsyth Boulevard, directly east of Lyle Avenue. It is 1.15 acres in size and will be developed with a mixed retail/ parking structure which includes 4,368 gross square feet of retail ready space and 560,171 gross square feet of parking for 1,510 cars. Five levels of parking will be located below grade; eight levels located in the structure and one level of mezzanine parking. The gross area of buildings within Subdistrict 2A, including support space and parking, is 569,479 gross square feet.

The individual subdistrict plans provide detailed information related to each specific phase of the development. Each subdistrict requires approval of a Subdistrict Development Plan (by the Board of Aldermen), Site Plan Review (by the Plan Commission), and Architectural Review (by the Architectural Review Board).

Special Development Plan & Public Benefits

The Special Development Plan (SDD) includes development standards regarding the use, area, height, and parking associated with the proposed development. The Board of Aldermen has the authority to determine a Subdistrict Development Plan's conformance with the Special Development Plan. Once approved, the Subdistrict Development Plan and ordinance becomes the specific zoning regulations governing the use and development of the property in that subdistrict. The following table lists the applicable development standards from the Special Development Plan and whether the proposed Subdistrict Development Plan complies with each standard.

Development Standard	Requirement/Limitation	Proposed	Complies with Standard
Use	Commercial Retail/Retail Ready and Parking	Commercial, Retail and Parking	Yes
Building area	569,478 gross square feet	569,478 gross square feet	Yes
Building height	No more than 100 feet	89 feet	Yes
Parking Spaces	Total allowable for all Subdistricts = 5,800	1,510	Yes

Design & Materials

See detailed analysis, page 5 of attached staff report dated December 19, 2016. According to the City's contracted architect, the proposed project appears to be a generally well-designed, high-quality building that exhibits distinctive and identifiable characteristics. The proposed project will be a significant positive addition to the area and Downtown as a whole .

Landscaping

See detailed analysis, page 4 of attached staff report dated December 19, 2016.

Stormwater

See detailed analysis on page 6 of the attached staff report dated December 19, 2016. The existing stormwater runoff, according to the MSD 15 year, 20 minute calculation, is 3.75 cubic feet per second (CFS). The proposed runoff is 4.83 CFS, which represents an increase in 1.08 CFS. Stormwater runoff from the site will be piped directly to the public storm sewer system. The Public Works Department has reviewed the site plan and finds the stormwater plan acceptable.

Traffic & Circulation

See detailed analysis page 4 of the attached staff report dated December 19, 2016. Subdistrict 2A will provide parking and retail programs primarily in support of Subdistrict 1 until 2B and 2C are constructed. The main entrance to the garage in Subdistrict 2A will be located at the existing signalized intersection of Forsyth Boulevard and Lee Avenue. Future service access and a future residential access will be provided from Carondelet Plaza when Subdistrict 2B and 2C are constructed.

Parking & Loading

See detailed analysis on page 5 of the attached staff report dated December 19, 2016.

Downtown Master Plan

Subdistrict 2A is located in the Forsyth Village District as identified in the Downtown Master Plan. The vision of the district is to "create a dense, walkable, mixed-use district including a significant new urban residential development oriented around the Forsyth Metrolink Station with appropriate connections to the existing development at Carondelet Plaza and the adjacent neighborhoods". The plan identifies both Forsyth Boulevard and Carondelet Plaza as pedestrian priority zones. Staff is of the opinion that the project complies with the vision of the Downtown Master Plan.

PLAN COMMISSION RECOMMENDATION

On December 19, 2016, the Plan Commission voted 5-0 to recommend approval of the Subdistrict Development Plan 2A to the Board of Aldermen with the following conditions:

1. Public Works

- a. Final streetscape design shall be approved by the City of Clayton Public Works Department.
- b. Electrical and irrigation systems shall be approved by the Public Works Department.
- c. General layout of street trees and lights shall be approved by the Public Works Department.
- d. Expansion and tooled joint layouts shall be approved by the Public Works Department.
- e. Provide a plan for temporary utility relocation.
- f. Identify all service vehicle plans (deliveries, trash, etc.).
- g. Remove all material from the streetscape easement that does not conform to city streetscape standards (i.e. Brick pavers).
- h. Crosswalks shall be installed to city standards at the following intersections: Hanley and Carondelet; Hanley and Forsyth; Forsyth and Lyle; Forsyth and Lee; Forsyth and Carondelet Plaza; Forsyth and Sub-District 3 Service Drive; and Carondelet Plaza at the Circle.
- i. During construction the contractor shall provide a covered pedestrian walkway on Carondelet Plaza. At all times there shall be pedestrian access from north Forsyth sidewalk to the Carondelet circle.

2. Other

- a. Submit plans showing where mechanical equipment will be located and how it will be screened.
- b. Submit plans showing where trash will be stored and how it will be screened.
- c. The proposed sign locations and information is for conceptual purposes only. A comprehensive sign plan shall be approved by the ARB prior to the issuance of any sign permits.
- d. Work with the staff to come up with an agreeable plan to establish planted landscaped areas comprised of planter boxes, planter islands or something similar on top of the garage structure in order to break up the paved areas.
- e. Install a gate at the entrance/exit at the south accesses drive leading to Carondelet Plaza.

STAFF RECOMMENDATION

To conduct a public hearing and adopt an ordinance approving the Special Development Subdistrict Plan for Subdistrict 2A pursuant to the recommendations from the Plan Commission.

BILL NO. 6596

ORDINANCE NO.

AN ORDINANCE APPROVING A SUBDISTRICT 2A DEVELOPMENT PLAN FOR THE CENTENE CLAYTON CAMPUS SPECIAL DEVELOPMENT DISTRICT AND OTHER ACTIONS RELATED THERETO.

WHEREAS, on September 27, 2016, the Board of Aldermen adopted Ordinance Nos. 6444 and 6445, approving a Special Development District (SDD) and Special Development Plan ("SDD Development Plan") for the area bounded by South Bemiston Avenue on the west, Forest Park Parkway/University City municipal boundary on the east, Forsyth Boulevard on the North and Carondelet Plaza/Carondelet Avenue on the south; and

WHEREAS, the property to which this Ordinance applies is identified in the survey dated December 14, 2016, page S100 of the Special Development District and Plan and identified as Subdistrict 2A therein; and

WHEREAS, on December 14, 2016 the City of Clayton's Planning Department received an application from Robert Clark, CEO, of Clayco, Inc. on behalf of Hanley-Forsyth, LLC, for the development of a 569,478-gross-square-foot building including 560,171 gross square feet of parking, 4,368 gross square feet of retail, and 4,939 gross square feet of mechanical area; and

WHEREAS, as part of the review of an SDD Project, each Phase must be approved separately as a Subdistrict Development Plan; and

WHEREAS, this Board has received the favorable report of the City Plan Commission with respect to the approval of the Subdistrict Development Plan for Subdistrict 2A; and

WHEREAS, all interested parties have been given an opportunity to be heard before this Board with regard to the Project; and

WHEREAS, upon due consideration, this Board of Aldermen has determined that the approval of the plan would be in the best interest of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

Section 1: Findings and Development Plan Approval

- A. The Subdistrict 2A Subdistrict Development Plan for the Centene Clayton Campus Special Development District development, dated December 14, 2016, as prepared by Clayco, Inc. on behalf of Hanley-Forsyth, LLC, and on file in the City Clerk's Office ("Subdistrict Development Plan"), as submitted by Clayco, Inc., is hereby approved, this Board having found and determined that the project, as set forth in the aforesaid SDD Development Plan, furthers the following objectives as specified in Article IX "Special Development District", Section 405.1250 "Criteria for Approval-Subdistrict Development Plan":

1. The proposed development is consistent with the SDD Development Plan for this site;
 2. Streets or other means of access to the proposed phase of development meet City of Clayton standards and are suitable and adequate to carry anticipated traffic;
 3. The internal circulation system of the proposed phase encourages safe movement for vehicles and pedestrians and is in compliance with the SDD Development Plan;
 4. Existing or proposed utility services are adequate for the proposed Subdistrict and is in conformance with the SDD Development Plan;
 5. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;
 6. Architecture and building materials are consistent with the design of the SDD Development Plan, are consistent with other phases, and are compatible with the adjacent neighborhood;
 7. Landscaping is appropriate with the scale of the development and consistent with any applicable City Codes, Ordinances and Standards;
 8. Topography of the property has been preserved in all relevant respects; and any topographic changes are such that they are not expected to adversely impact the flow of drainage on adjacent properties;
 9. A landscape plan depicting all new plantings for the phase has been submitted as part of the plan and approved; screening the development from adjacent properties is neither feasible nor desirable under the SDD Development Plan;
 10. Tree preservation measures comply with all applicable City codes and standards;
 11. The materials, design and uses of the Subdistrict Development Plan are compatible with the neighborhood surrounding the proposed development phase and the City as a whole; and,
 12. The proposed development phase complies with all other applicable codes and ordinances.
- B. The Board of Aldermen finds that the Subdistrict Development Plan provides the following public benefits as referenced in Article IX "Special Development District", Section 405.1190 "Public Benefit":
1. Architectural distinction and significance that make the development noteworthy;
 2. Extensive use of high quality building materials that add significant value to the property and benefit adjacent properties;
 3. Provision of new public infrastructure including, but not limited to streets, curbs, sidewalks, sanitary sewers, storm water sewers, lighting, and
 4. Inclusion of street level landscape garden, plaza or park available for public use.
- C. The approval of the Subdistrict Development Plan by the Board of Aldermen is hereby subject to the following conditions:
1. That the property identified as Subdistrict 2A be developed in accordance with the approved plans dated December 14, 2016, as amended pursuant to the conditions listed below and that the project is subject to certain development standards including, but not limited to those identified on Page G001 of the Special Development Subdistrict 2A plans dated December 14, 2016.
1. Public Works
 - a. Final streetscape design shall be approved by the City of Clayton Public Works Department.

- b. Electrical and irrigation systems shall be approved by the Public Works Department.
 - c. General layout of street trees and lights shall be approved by the Public Works Department.
 - d. Expansion and tooled joint layouts shall be approved by the Public Works Department.
 - f. Provide a plan for temporary utility relocation.
 - g. Identify all service vehicle plans (deliveries, trash, etc.).
 - h. Remove all material from the streetscape easement that does not conform to city streetscape standards (i.e. Brick pavers).
 - i. Crosswalks shall be installed to city standards at the following intersections: Hanley and Carondelet; Hanley and Forsyth; Forsyth and Lyle; Forsyth and Lee; Forsyth and Carondelet Plaza; Forsyth and Sub-District 3 Service Drive; and Carondelet Plaza at the Circle.
 - j. During construction the contractor shall provide a covered pedestrian walkway on Carondelet Plaza. At all times there shall be pedestrian access from north Forsyth sidewalk to the Carondelet circle.
3. Other
- a. Submit plans showing where mechanical equipment will be located and how it will be screened.
 - b. Submit plans showing where trash will be stored and how it will be screened.
 - c. The proposed sign locations and information is for conceptual purposes only. A comprehensive sign plan shall be approved by the ARB prior to the issuance of any sign permits.
 - d. Work with the staff to come up with an agreeable plan to establish planted landscaped areas comprised of planter boxes, planter islands or something similar on top of the garage structure in order to break up the paved areas.
 - e. That the property identified as Subdistrict 2A be developed in accordance with the approved plans dated December 14, 2016 as amended pursuant to the conditions listed below and that the project is subject to certain development standards including, but not limited to those identified on Page G001 of the Special Development Subdistrict 2A plans dated December 14, 2016.
 - f. Install a gate at the garage entrance/exit at the south access drive leading to Carondelet Plaza.
 - g. The developer shall install City approved wayfinding signs are part of the City of Clayton streetscape.

Section 2: Implementation

The City Manager is hereby authorized and directed to take all such actions as may be necessary and proper (or to cause the same to be taken) in order to implement the approval of the Subdistrict Plan authorized by this Ordinance.

Section 3: Effective Date

This Ordinance shall be in full force and effect after its passage and adoption by the Board of Aldermen.

Adopted this 10th day of January, 2017

Mayor

ATTEST:

City Clerk



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR SANGER; BOARD OF ALDERMEN
FROM: CRAIG S. OWENS, CITY MANAGER (CSO)
KEVIN MURPHY, CHIEF OF POLICE
DATE: JANUARY 10, 2017
SUBJECT: ORDINANCE – REVISION OF CHAPTER 215, ENTITLED OFFENSES
CHAPTER 215, OF THE CODE OF ORDINANCES, WOULD BE AMENDED
BY THE ADDITION OF SEVERAL NEW SECTIONS AND BY AMENDING
CERTAIN EXISTING SECTIONS, THE PURPOSE OF WHICH IS TO ENSURE
CONSISTENCY WITH THE REVISION OF MISSOURI STATE STATUTES
THAT WILL OCCUR ON JANUARY 1, 2017

Due to the recently approved revisions of the Missouri State Statutes and under the direction of the City Attorney staff recommends Board approval for several major changes to Chapter 215, Offenses. Those changes are as follows:

1. New restrictions on registered sex offenders have been added.
2. Tobacco regulations now include vapor products and alternative nicotine products – also, see note about tobacco regulations below.
3. A new section has been added relating to computer tampering.
4. The section regarding assaults on law enforcement officers was amended to include police canines, highway workers, utility workers and similar workers.
5. A new section was added concerning failure to comply with orders of law enforcement officers.
6. The previous section regarding “Parental Responsibility” was replaced with a new section concerning “Failure to Supervise Minors”.

In addition, with regard to tobacco regulations, St. Louis County has enacted new health regulations changing the age for tobacco purchase and possession from 18 to 21 (Ordinance 26,522).

The City is not required to amend its ordinance unless the City wants to prosecute tobacco violations for 18-20 year olds in its Municipal Court. At least one city has amended its Code, but, a few cities disagree with the County and are leaving that enforcement to the County.

As presently constructed, this ordinance does not change the age for tobacco purchase and possession in Clayton’s Code (it is still 18).

BILL NO. 6597

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 215 OF THE MUNICIPAL CODE BY THE ADDITION OF SEVERAL NEW SECTIONS OR PROVISIONS AND BY THE AMENDMENT OF SEVERAL EXISTING SECTIONS AND PROVISIONS ALL RELATING TO OFFENSES

WHEREAS, Chapter 215 of the Municipal Code addresses various offenses; and

WHEREAS, changes in state law (2014 SB 491, HB 1371) require parallel revisions to the City's ordinances for consistency;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

Section One. Chapter 215 of the Municipal Code is hereby amended by the addition of several new sections and provisions and amendment of other sections and provisions which shall read as follows:

Chapter 215. Offenses

Article I. General Provisions

Section 215.005. Definitions

[The following new definitions are added. All existing definitions are not amended in any way.]

CONTROLLED SUBSTANCE

A drug, substance, or immediate precursor in schedule I through V as defined in chapter 195 RSMo.

COURSE OF CONDUCT

A pattern of conduct composed of two (2) or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests.

DISABILITY

A mental, physical, or developmental impairment that substantially limits one or more major life activities or the ability to provide adequately for one's care or protection, whether the impairment is congenital or acquired by accident, injury or disease, where such impairment is verified by medical findings.

ELDERLY PERSON

A person sixty (60) years of age or older.

EMOTIONAL DISTRESS

Something markedly greater than the level of uneasiness, nervousness, unhappiness, or the like which are commonly experienced in day-to-day living.

INTOXICATED

Under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

OF ANOTHER

As to property, property that any person or entity other than the actor, has a possessory or proprietary interest therein, other than only a security interest even if legal title is in the creditor by contract or arrangement.

PROPERTY

Anything of value, whether real or personal, tangible or intangible, in possession or in action.

TAMPER

To interfere with improperly, meddle with, displace, make unwanted alterations, or deprive owner or possessor of something temporarily

VEHICLE

A self-propelled mechanical device designed to carry a person or persons, excluding vessels or aircraft.

VESSEL

Any boat or craft propelled by a motor or by machinery, whether or not such motor or machinery is a principal source of propulsion used or capable of being used as a means of transportation on water, or any boat or craft more than twelve feet in length which is powered by sail alone or by a combination of sail and machinery, and used or capable of being used as a means of transportation on water, but not any boat or craft having, as the only means of propulsion, a paddle or oars or pedaling.

Article II. Offenses Against The Person

Section 215.010. Assault

A. A person commits the offense of assault if:

(Subsections 1 – 6 are not amended in any way)

7. The person knowingly attempts to cause or causes the isolation of a person with a disability by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.

Section 215.015. Domestic Assault

(Not amended in any way.)

Section 215.020. Assault of A Law Enforcement Officer, Corrections Officer, Emergency Personnel, Highway Worker, Utility Worker, Cable Worker or Probation and Parole Officer, Police Animal.

A. A person commits the offense of assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer if:

1. Such person recklessly causes physical injury to a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer;
2. Such person purposely places a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer in apprehension of immediate physical injury; or
3. Such person knowingly causes or attempts to cause physical contact with a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer without the consent of the Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer.

B. As used in this Section, "*emergency personnel*" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in Subdivisions (15), (16), (17) and (18) of Section 190.100, RSMo.

C. As used in this Section, the term "*Corrections Officer*" includes any jailor or Corrections Officer of the State or any political subdivision of the State.

D. As used in this Section, the term "*highway worker*", "*construction zone*" or "*work zone*" shall have the same meaning as such terms are defined in Section 304.580, RSMo.

E. As used in this Section, the term "*utility worker*" means any employee while in the performance of their job duties, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

F. As used in this Section, the term "*cable worker*" means any employee including any person employed under contract, of a cable operator, as such term is defined in Section 67.2677, RSMo.

G. A person commits the offense of assault on a police animal if he or she knowingly kills or disables, knowingly attempts to kill or disable, or knowingly causes or attempts to cause serious physical injury, to a police animal when that animal is involved in law enforcement investigation, apprehension, tracking, or search, or the animal is in the custody or under the control of a law enforcement officer or fire or rescue personnel.

Section 215.022. Threatening Communications.

A. It shall be unlawful for any person to knowingly send or deliver or cause or intentionally allow to be sent or delivered any letter, e-mail, text message or other Internet or electronic communication or other writing, printing, circular or card or device, with or without a name subscribed thereto or signed with a fictitious name or any mark, threatening to accuse any other person of a crime or offense for any purpose other than to cause the other person to cease ongoing illegal activity or threatening to kill, maim or wound any other person or threatening to commit a crime or offense or do any injury to the person, property, credit or reputation of another, whether or not any money or property is demanded or extorted thereby.

B. A person commits the offense of unlawful posting of certain information over the internet if he or she knowingly posts the name, home address, Social Security number, or telephone number of any person on the internet intending to cause substantial bodily harm or death, or threatening to cause substantial bodily harm or death to such person.

C. For purposes of this Section, an offense committed by means of writing, telephonic communication or electronic communication shall be deemed to have occurred at the place from which the communication was made or sent and at the place where the communication was first heard or read by the recipient.

Section 215.030. False Imprisonment

(Not amended in any way.)

Section 215.035. Endangering The Welfare of A Child

(Not amended in any way.)

Section 215.040. Leaving A Child Unattended in A Motor Vehicle

(Not amended in any way.)

Section 215.045. Invasion of Privacy

(Not amended in any way.)

Section 215.050. Identity Theft

(Not amended in any way.)

Section 215.055. Trafficking in Stolen Identities

(Not amended in any way.)

Article III. Offenses Concerning Administration of Justice

Section 215.060. Concealing An Offense

(Not amended in any way.)

Section 215.070. Hindering Prosecution

(Not amended in any way.)

Section 215.080. Refusal To Identify As A Witness

(Not amended in any way.)

Section 215.085. Subpoena — Failing To Comply

(Not amended in any way.)

Section 215.090. Disturbing A Judicial Proceeding

(Not amended in any way.)

Section 215.100. Tampering with A Witness — Tampering with A Victim

(Not amended in any way.)

Section 215.110. Improper Communication

(Not amended in any way.)

Section 215.120. False Impersonation

(Not amended in any way.)

Section 215.130. False Reports

(Not amended in any way.)

Section 215.140. Resisting or Interfering With Arrest, Detention or Stop

(Not amended in any way.)

Section 215.150. Escape or Attempted Escape From Custody or Confinement.

A person commits the offense of escape from custody or confinement or attempted escape from custody or confinement if, while being held in custody after arrest or confinement after sentencing for any offense, he or she escapes or attempts to escape from such custody or confinement, including but not limited

to by means of intentionally removing, altering, tampering, or damaging electronic monitoring equipment which a court has required such person to wear.

Section 215.155. Interference With Legal Process

(Not amended in any way.)

Section 215.156. Breaching Barricade or Police Line

(Not amended in any way.)

Section 215.157. Misuse of The 911 Emergency Telephone Service

(Not amended in any way.)

Article IV. Offenses Concerning Public Safety

Section 215.160. Abandonment of Airtight or Semi-Airtight Containers

(Not amended in any way.)

Section 215.170. Littering

(Not amended in any way.)

Section 215.180. Littering Via Carcasses

(Not amended in any way.)

Section 215.190. Tampering With Water Supply

A. A person commits the offense of tampering with a water supply if he or she purposely:

1. Poisons, defiles or in any way corrupts the water of a well, spring, brook, stream, creek, pond, lake, or reservoir used for domestic or municipal purposes; or
2. Diverts, dams up and holds back from its natural course and flow any spring, brook, stream, creek or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, town or city for their use; or
3. Places or causes to be placed the carcass or offal of any dead animal into any well, spring, brook, stream, creek, pond, or lake.

B. Those found guilty of tampering with a water supply shall be adjudged guilty of an ordinance violation and punished by a fine not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment, and shall be liable to the party injured for three (3) times the actual damage sustained, to be recovered by suit at law.

Section 215.200. Abandoning Motor Vehicle or Trailer

(Not amended in any way.)

Section 215.204. Fireworks — Prohibited — Exceptions

A. No person shall sell, use, manufacture, display or possess fireworks, as hereinafter defined, within the City at any time. This section shall not prohibit the sale by any wholesaler, dealer or jobber within the City at wholesale if the fireworks are shipped and delivered directly to consignees outside the limits of the City.

B. The term "*fireworks*", as used in this Section, is any composition or device for producing a visible, audible or both visible and audible effect by combustion, deflagration or detonation and that meets the definition of consumer, proximate or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations. The term "*fireworks*" shall not include sparklers, colored flares, or blank cartridges for theatrical purposes or signal purposes in spoke events or such articles for use of the militia, Police or army.

C. The discharge of toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five hundredths (0.25) grains or less of explosive mixture and the sale and use of same shall not constitute a violation of this Section.

D. The prohibition of this Section shall not apply to any public demonstrations or displays of fireworks. However, any such public demonstrations or displays of fireworks may be conducted only after application has been made in writing to the Fire Chief and a permit has been issued for such demonstration or display by the Fire Chief.

Section 215.205. Aircraft — Restrictions On Use.

A. No person shall operate, or cause to be operated, over the City any aircraft which is flying in a manner commonly known as stunt flying, or at an unreasonably low altitude, or in any other manner that may be a hazard or dangerous to persons or property within the City.

B. No person shall broadcast by loud speakers or in any other manner, loud, disturbing or unnecessary noises from any aircraft or cause, aid or abet the operation of any aircraft over the City from which is emanated by means aforesaid any such noises.

C. No person shall operate, or cause or to be operated, any aircraft for commercial sound advertising purposes in or over the City.

Article V. Offenses Concerning Public Peace

Section 215.210. Peace Disturbance

A. A person commits the offense of peace disturbance if:

(Subsections 1 and 2 are not amended in any way)

3. Willfully interrupts, disrupts or disturbs any lawful meeting or assembly.

B. For purposes of this Section, an offense committed by means of writing, telephonic communication or electronic communication shall be deemed to have occurred at the place from which the communication was made or sent and at the place where the communication was first heard or read by the recipient.

Section 215.215. Private Peace Disturbance

A. (Not amended in any way.)

B. For purposes of this Section, an offense committed by means of writing, telephonic communication or electronic communication shall be deemed to have occurred at the place from which the communication was made or sent and at the place where the communication was first heard or read by the recipient.

Section 215.220. Peace Disturbance Definitions

(Not amended in any way.)

Section 215.223. Disturbance of Funeral and Burial Services

(Not amended in any way.)

Section 215.225. Unlawful Assembly

(Not amended in any way.)

Section 215.230. Rioting

(Not amended in any way.)

Section 215.233. Refusal To Disperse

(Not amended in any way.)

Section 215.235. Disturbances — Disturbing Religious Worship

(Not amended in any way.)

Section 215.237. Disturbances — Disturbing Lawful Assembly — Refusal To Disperse

(Not amended in any way.)

Section 215.239. Failure to Comply with Order of a Police Officer.

A. It shall be unlawful for any person to:

1. Fail to comply with the lawful order or request of a police officer in the discharge of the officer's official duties where such failure interfered with, obstructed or hindered the officer in the performance of such duties; or
2. Fail to identify himself or herself by name upon request when lawfully detained by a police officer, provided, however, that the person may not be compelled to answer any other inquiry of the police officer; or

3. In any matter within the jurisdiction of any law enforcement officer of this city, knowingly: falsifies, conceals or covers up by any trick, scheme or device, a material fact; makes any materially false, fictitious or fraudulent statement or representation; or makes or uses any false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry.

Article VI. Offenses Concerning Weapons and Firearms

Section 215.240. Definitions

(Not amended in any way.)

Section 215.250. Weapons — Carrying Concealed — Other Unlawful Use

A. (Not amended in any way.)

B. Subsections (1), (8), and (10) of Subsection A of this Section shall not apply to the persons described in this Subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this Subsection. Subparagraphs (3), (4), (6), (7) and (9) of Subsection (A) of this Section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this Subsection:

(Subsections 1 – 9 and 11 are not amended in any way.)

10. Any municipal prosecuting attorney or assistant prosecuting attorney, circuit attorney or assistant circuit attorney; municipal, association or circuit judge; or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under Subsection 2 of Section 571.111, RSMo;

...

12. Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district member who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

C. (Not amended in any way.)

D. (Not amended in any way.)

E. (Not amended in any way.)

F. (Not amended in any way.)

Section 215.255. Possession, Manufacture, Transport, Repair, Sale of Certain Weapons

(Not amended in any way.)

Section 215.260. Defacing Firearm

(Not amended in any way.)

Section 215.265. Possession of a Defaced Firearm.

(Not amended in any way.)

Section 215.270. Unlawful Transfer of Weapons

(Not amended in any way.)

Section 215.275. Possession of Firearm Unlawful For Certain Persons

(Not amended in any way.)

Section 215.280. Carrying Concealed Firearms Prohibited — Penalty For Violation

A. (Not amended in any way.)

B. Any person violating any of the provisions of Subsection (A) of this Section shall be punished as follows:

1. Carrying of a concealed firearm in a location specified in subdivisions 1 to 17 of Subsection (A) of this section by any individual who holds a Missouri lifetime or extended concealed carry permit shall not be a criminal act but may be subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars (\$100.00) for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third citation for a similar violation is issued within one (1) year of the first citation, such person shall be fined an amount not to exceed five hundred dollars (\$500.00) and shall have his or her Missouri lifetime or extended concealed carry permit revoked and such person shall not be eligible for a Missouri lifetime or extended concealed carry permit or a concealed carry permit issued under sections 571.101 to 571.121 for a period of three (3) years. Upon conviction of charges arising from a citation issued under this subsection, the court shall notify the sheriff of the county which issued the Missouri lifetime or extended concealed carry permit. The sheriff shall suspend or revoke the Missouri lifetime or extended concealed carry permit.

2. If the violator does not hold a current valid concealed carry endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 100.110 of this Code of Ordinances.
3. Employees of the City of Clayton may, in addition to any other punishment hereby, be subject to disciplinary action.

C. (Not amended in any way.)

Section 215.285. Dangerous Projectiles.

A. Because such conduct is dangerous to the inhabitants of the City due to the population of the City, no person shall throw, release, discharge or in any way propel any dangerous projectiles as defined herein upon or at any property, at any person or group of persons or at any type of animal(s).

B. For the purpose of this Section, dangerous projectiles are identified, but not limited to projectiles shot out of:

1. Pellet rifles.
2. BB guns.
3. Slingshot or wrist rockets.
4. Bow and arrows or crossbows.
5. Blow guns.
6. Any manufactured or homemade gas or vapor ignited gun (i.e., paint gun, tube gun, potato gun, foil gun, etc.) or other pneumatic gun.

Provided however, the foregoing provisions do not prohibit the use of pneumatic guns at approved shooting ranges.

Section 215.286. "Turkey Shoots" and Other Charitable Events

(Not amended in any way.)

Article VII. Offenses Concerning Property

Section 215.290. Tampering

(Not amended in any way.)

Section 215.292. Computer Tampering.

A. *Definitions.* The following terms shall mean:

ACCESS (relative to computers)

To instruct, communicate with, store data in, retrieve or extract data from, or otherwise make any use of any resources of, a computer, computer system, or computer network.

COMPUTER

The box that houses the central processing unit (cpu), along with any internal storage devices, such as internal hard drives, and internal communication devices, such as internal modems capable of sending or receiving electronic mail or fax cards, along with any other hardware stored or housed internally. Thus, computer refers to hardware, software and data contained in the main unit. Printers, external modems attached by cable to the main unit, monitors, and other external attachments will be referred to collectively as peripherals and discussed individually when appropriate. When the computer and all peripherals are referred to as a package, the term "computer system" is used. Information refers to all the information on a computer system including both software applications and data.

COMPUTER EQUIPMENT

Computers, terminals, data storage devices, and all other computer hardware associated with a computer system or network.

COMPUTER HARDWARE

All equipment which can collect, analyze, create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or data. Hardware includes, but is not limited to, any data processing devices, such as central processing units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two or more computers connected together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks.

COMPUTER NETWORK

Two or more interconnected computers or computer systems.

COMPUTER PROGRAM

A set of instructions, statements, or related data that directs or is intended to direct a computer to perform certain functions.

COMPUTER SOFTWARE

Digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical or other digital form. The term commonly includes programs to run operating systems and applications, such as word processing, graphic, or spreadsheet programs, utilities, compilers, interpreters and communications programs.

COMPUTER-RELATED DOCUMENTATION

Written, recorded, printed or electronically stored material which explains or illustrates how to configure or use computer hardware, software or other related items.

COMPUTER SYSTEM

A set of related, connected or unconnected, computer equipment, data, or software.

DAMAGE

When used in relation to a computer system or network, means any alteration, deletion, or destruction of any part of the computer system or network.

DATA

A representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic storage media, punched cards and as may be stored in the memory of a computer.

SERVICES

When used in relation to a computer system or network, means use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage or retrieval functions.

TAMPER

To interfere with improperly, meddle with, displace, make unwanted alterations, or deprive owner or possessor of something temporarily.

B. *Tampering with Computer Data.* A person commits the offense of tampering with computer data if he or she knowingly and without authorization or without reasonable grounds to believe that he or she has such authorization:

1. Modifies or destroys data or programs residing or existing internal to a computer, computer system, or computer network; or

2. Modifies or destroys data or programs or supporting documentation residing or existing external to a computer, computer system, or computer network; or
3. Discloses or takes data, programs or supporting documentation, residing or existing internal or external to a computer, computer system, or computer network; or
4. Discloses or takes a password, identifying code, personal identification number, or other confidential information about a computer system or network that is intended to or does control access to the computer system or network; or
5. Accesses a computer, a computer system, or a computer network, and intentionally examines information about another person; or
6. Receives, retains, uses, or discloses any data he or she knows or believes was obtained in violation of this section.

C. *Tampering with Computer Equipment.* A person commits the offense of tampering with computer equipment if he or she knowingly and without authorization or without reasonable grounds to believe that he or she has such authorization:

1. Modifies, destroys, damages, or takes equipment or data storage devices used or intended to be used in a computer, computer system, or computer network.
2. Modifies, destroys, damages, or takes any computer, computer system, or computer network.

D. *Tampering with Computer Users.* A person commits the offense of tampering with computer users if he or she knowingly and with authorization or without reasonable grounds to believe that he or she has such authorization:

1. Accesses or causes to be accessed any computer, computer system, or computer network; or
2. Denies or causes the denial of computer system services to an authorized user of such computer system services.

Section 215.295. Property Damage

A. A person commits the offense of property damage if:

1. He/she knowingly vandalizes, defaces or otherwise damages property of another; or
2. He/she damages property for the purpose of defrauding an insurer.

Section 215.300. Claim of Right

(Not amended in any way.)

Section 215.305. Trespass and Damage To Property — Trespass or Refusal To Leave Property

(Not amended in any way.)

Section 215.310. Trespass and Damage To Property — Parking Vehicle without Consent

(Not amended in any way.)

Section 215.315. Trespass of A School Bus

A person commits the offense of trespass of a school bus if he or she knowingly and unlawfully enters any part of or unlawfully operates any school bus. For the purposes of this Subsection, the terms "*unlawfully enters*" and "*unlawfully operates*" refer to any entry or operation of a school bus which is not:

1. Approved of and established in a school district's written policy on access to school buses; or
2. Authorized by specific written approval of the school board.

Section 215.320. Reckless Burning or Exploding

(Not amended in any way.)

Section 215.325. Negligent Burning or Exploding

A person commits the offense of negligent burning or exploding if he or she with criminal negligence causes damage to property, woodlands, or grasslands of another by (1) starting a fire or causing an explosion; or (2) allowing a fire burning on lands in his or her possession or control onto the property of another.

Section 215.330. Stealing

A. A person commits the offense of stealing if he/she appropriates property or services of another with the purpose to deprive him/her thereof, either without his/her consent or by means of deceit or coercion.

B. Evidence of the following is admissible in any prosecution pursuant to this Section on the issue of the requisite knowledge or belief of the alleged stealer that:

1. He/she failed or refused to pay for property or services of a hotel, restaurant, inn or boarding house;
2. He/she gave in payment for property or services of a hotel, restaurant, inn or boarding house a check or negotiable paper on which payment was refused;

3. He/she left the hotel, restaurant, inn or boarding house with the intent to not pay for property or services;
4. He/she surreptitiously removed or attempted to remove his/her baggage from a hotel, inn or boarding house; or
5. He/she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits or reproduces a retail sales receipt, price tag or universal price code label or possesses, with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels.

C. A person shall not be deemed to have stolen video service if the video company provides unsolicited services or fails to change or disconnect service within 10 days after receiving written notice to do so by its customer.

D. a person does not commit an offense under this section if, at the time of the appropriation, he or she: (1) acted in the honest belief that he or she had the right to do so; or (2) acted in the honest belief that the owner, if present, would have consented to the appropriation.

Section 215.335. Vehicle — Driving Without Consent, Etc.

(Not amended in any way.)

Section 215.340. Theft of Motor Fuel

(Not amended in any way.)

Section 215.345. Burglary Tools

(Not amended in any way.)

Section 215.350. Receiving Stolen Property

(Not amended in any way.)

Section 215.355. Financial Exploitation of The Elderly and Disabled

(Not amended in any way.)

Section 215.360. Fraudulent Use of A Credit or Debit Device

(Not amended in any way.)

Section 215.361. Fraudulently Stopping Payment of an Instrument.

A person commits the offense of fraudulently stopping payment of an instrument if her or she, with the purpose to defraud, stops payment on a check, draft, or debit device used in payment for the receipt of good or services. It shall be prima facie evidence of a violation of this section if a person stops payment on a check, draft or debit device and fails to make good the check, draft or debit device transaction, or fails to return or make and comply with reasonable arrangements to return the property for which the check, draft or debit device was used in the same or substantially the same condition as when received within ten days after

notice in writing from the payee that the check, draft or debit device has not been paid because of a stop payment order by the issuer to the drawee. "Notice in writing" under this section means notice deposited as certified or registered mail in the United State mail and addressed to the issuer as it appears on the dishonored check, draft or debit device transaction or to his or her last known address, containing a statement that failure to make good the check, draft or debit device transaction within ten days of receipt of the notice may subject the issuer to prosecution hereunder.

Section 215.362. Fraudulent Procurement of A Credit or Debit Device.

A person commits the offense of fraudulent procurement of a credit or debit device if he or she: (1) knowingly makes or causes to be made, directly or indirectly, a false statement regarding another person for the purpose of procuring the issuance of a credit or debit device, or (2) knowingly obtains a means of identification of another person without the authorization of that person and uses that means of identification to obtain, or attempt to obtain, credit, goods or services in the name of the other person without the consent of that person.

Section 215.365. Deceptive Business Practice

A. A person commits the offense of deceptive business practice if in the course of engaging in a business, occupation or profession he/she recklessly:

(Subsections 1 – 5 are not amended in any way.)

6. Promotes the sale of property or services by false or misleading statement in any advertisement, or

7. Advertises in any manner the sale of property or services with the purpose not to sell such property or service: at the price which he or she offered them, in a quantity sufficient to meet the reasonably expected public demand unless the quantity is specifically stated in the advertisement, or at all.

Section 215.370. Posting Bills, Etc.

(Not amended in any way.)

Section 215.373. Handbills On Public or Private Property

(Not amended in any way.)

Section 215.375. Alteration or Removal of Item Numbers With Intent To Deprive Lawful Owner

(Not amended in any way.)

Section 215.380. Stealing Rented Personal Property.

(Only the title has been amended. All other provisions of this section are not amended in any way.)

Section 215.385. Passing Bad Checks

(Not amended in any way.)

Section 215.390. Shoplifting — Detention of Suspect By Merchant — Liability Presumption

(Not amended in any way.)

Section 215.400. Value of Property Determinant of Violation. (Repealed).

Section 215.410. Detention of Suspected Violator — Authorized

(Not amended in any way.)

Section 215.415. Detention of Suspected Violator — Person Concealing Property

(Not amended in any way.)

Section 215.420. Scavenging of Recyclable Materials

(Not amended in any way.)

Article VIII. Offenses Concerning Prostitution and Morals

Section 215.430. Article Definitions

(Not amended in any way.)

Section 215.440. Prostitution

A person commits the offense of prostitution if the person engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.

Section 215.450. Patronizing Prostitution

- A. A person commits the offense of patronizing prostitution if he or she:
1. Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or
 2. Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or
 3. Solicits or requests another person to engage in sexual conduct with any person for something of value.

B. It shall not be an affirmative defense that the defendant believed that the person he/she patronized for prostitution was eighteen (18) years of age or older.

Section 215.455. Promoting Prostitution.

A person commits the offense of promoting prostitution if he or she knowingly:

1. Causes or aids a person to commit or engage in a violation of Section 215.440;
2. Procures or solicits patrons for a violator of Section 215.440;
3. Provides persons or premises for use by a violator of Section 215.440;
4. Operates or assists in the operation of a house or business or enterprise used by or involving violations of Section 215.440;
5. Accepts or receives or agrees to accept or receive something of value pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in proceeds of violation of Section 215.440; or
6. Engages in any conduct designed to institute, aid or facilitate an act or enterprise involving violation of Section 215.440.

Section 215.460. Prostitution, Patronizing and Promoting Prostitution — Sex of Parties No Defense, When

A. In any prosecution for prostitution or patronizing a prostitute, the sex of the two (2) parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

1. Both persons were of the same sex; or
2. The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.

Section 215.465. Prostitution Houses Deemed Public Nuisances

A. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 215.430 or any unlawful prostitution activity prohibited by this Article is a public nuisance.

B. The City Prosecuting Attorney may, in addition to all other sanctions, prosecute a suit in equity to enjoin the nuisance as provided in Section 567.080 RSMo.

Article IX. Sexual Offenses

Section 215.470. Article Definitions

(Not amended in any way.)

Section 215.475. Indecent Exposure (Sexual Misconduct)

A. A person commits the offense of indecent exposure (sexual misconduct) if such person:

(Subsections 1 – 3 are not amended in any way.)

4. Coerces or induces a child less than fifteen (15) years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person including the child, or coerces or induces a female child less than fifteen (15) years of age to expose her breasts in person or through the Internet or other visual transmission for the purpose of arousing or gratifying the sexual desire of any person including the child.

Section 215.476. Invasion of Privacy

A. No person shall look, peer or peep into or be found loitering around or within view of any window of a private dwelling house not on his or her own property.

B. No person shall knowingly view, photograph, film, videotape, or produce or otherwise create an image of another person, without that person's consent, while such other person is in a state of nudity and is in a place where one would have a reasonable expectation that they could disrobe in privacy without being concerned that their undressing was being viewed, photographed or filmed by another.

C. No person shall knowingly photograph, film, videotape, or produce or otherwise create an image of another person under or through the clothing worn by that other person for the purpose of viewing the body of or the undergarments worn by that other person without that person's consent.

Section 215.480. Sexual Misconduct

(Not amended in any way.)

Section 215.485. Certain Offenders Not To Be Present Within Five Hundred Feet of School Property, Exception—Permission Required for Parents or Guardians Who Are Offenders, Procedure

A. Any person who has been found guilty of:

1. Since 2006 violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080, RSMo. as it existed prior to January 1, 2017 or Section 573.200 RSMo, Use Of A Child In A Sexual Performance; Section 568.090, RSMo., as it existed prior to January 1, 2017 or Section 573.205 RSMo Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography;

Section 573.040, RSMo., Furnishing Pornographic Material To Minors;
or

2. Since 2008 any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not be present in or loiter within five hundred (500) feet of any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) years are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has met the conditions set forth in Subsection (B) of this Section.

B. No parent, legal guardian, or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in Subsection (A) of this Section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance unless the parent, legal guardian, or custodian has permission to be present from the Superintendent or School Board or in the case of a private school from the Principal. In the case of a public school, if permission is granted, the Superintendent or School Board President must inform the Principal of the school where the sex offender will be present. Permission may be granted by the Superintendent, School Board, or in the case of a private school from the Principal for more than one (1) event at a time, such as a series of events, however, the parent, legal guardian, or custodian must obtain permission for any other event he/she wishes to attend for which he/she has not yet had permission granted.

Section 215.486. Certain Offenders Not To Reside Within One Thousand Feet of A School or Child-Care Facility.

A. Any person who has been found guilty of:

1. Since 2004 violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080 RSMo as it existed prior to January 1, 2017 or Section 573.200, RSMo., Use Of A Child In A Sexual Performance; Section 568.090 RSMo as it existed prior to January 1, 2017 or section 573.205, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography In The First Degree; Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; Section 573.037, RSMo., Possession Of Child

Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or

2. Since 2008 any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not reside within one thousand (1,000) feet of any public school as defined in Section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth (12th) grade, or any child-care facility that is licensed under Chapter 215, RSMo., or any child-care facility as defined in Section 215.201, RSMo., that is exempt from State licensure but subject to State regulation under Section 215.252, RSMo., and holds itself out to be a child-care facility, where the school or facility is in existence at the time the individual begins to reside at the location.

B. If such person has already established a residence and a public school, a private school, or child-care facility is subsequently built or placed within one thousand (1,000) feet of such person's residence, then such person shall, within one (1) week of the opening of such public school, private school, or child-care facility, notify the County Sheriff where such public school, private school, or child-care facility is located that he or she is now residing within one thousand (1,000) feet of such public school, private school, or child-care facility and shall provide verifiable proof to the Sheriff that he or she resided there prior to the opening of such public school, private school, or child-care facility.

C. For purposes of this Section, "*resides*" means sleeps in a residence, which may include more than one (1) location and may be mobile or transitory.

Section 215.487. Certain Offenders Not To Physically Be Present or Loiter Within Five Hundred Feet of A Child Care Facility — Violation — Penalty.

A. Any person who, since 2009, has been found guilty of:

1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080, RSMo. as it existed prior to January 1, 2017 or Section 573.200 RSMo, Use Of A Child In A Sexual Performance; Section 568.090 RSMo as it existed prior to January 1, 2157 or Section 573.205, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography In The First Degree; Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; Section 573.037, RSMo., Possession Of Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or
2. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section; shall not knowingly be physically present in or loiter within five hundred (500) feet of or to approach, contact, or communicate with any child under eighteen

(18) years of age in any child care facility building, on the real property comprising any child care facility when persons under the age of eighteen (18) years are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds.

B. For purposes of this Section, "child care facility" shall include any child care facility licensed under chapter 215 RSMo., or any child care facility that is exempt from state licensure but subject to state regulation under section 215.252 RSMo. and holds itself out to be a child care facility.

Section 215.488. Additional Restrictions On Certain Offenders.

B. Certain Offenders Not To Be Present Or Loiter Within Five Hundred Feet Of A Public Park Or Swimming Pool.

1. Any person who, since 2009, has been found guilty of:
 - a. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering the Welfare of a Child in the First Degree; Subsection (2) of Section 568.080, RSMo. as it existed prior to January 1, 2017 or Section 573.200 RSMo, Use of a Child in a Sexual Performance; Section 568.090, RSMo.as it existed prior to January 1, 2017 or Section 573.205 RSMo, Promoting a Sexual Performance by a Child; Section 573.023, RSMo., Sexual Exploitation of a Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material to Minors; or
 - b. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section; shall not knowingly be present in or loiter within five hundred (500) feet of any real property comprising any public park with playground equipment or a public swimming pool.

C. Enticement Of A Child.

1. No person twenty-one (21) years of age or older shall persuade, solicit, coax, entice, or lure, whether by words, actions or through communication via the Internet or any electronic communication, any person who is less than fifteen (15) years of age for the purpose of engaging in sexual conduct.
2. It is not a defense to a prosecution for a violation of this Subsection that the other person was a Peace Officer masquerading as a minor.

D. *Age Misrepresentation.* No person shall knowingly misrepresent his or her age with the intent to use the Internet or any electronic communication to solicit engagement in sexual conduct involving a minor.

E. *Certain Offenders Not To Serve As Athletic Coaches, Managers Or Trainers.*

1. Any person who, since 2009, has been found guilty of:
 - a. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering the Welfare of a Child in the First Degree; Subsection (2) of Section 568.080, RSMo. as it existed prior to January 1, 2017 or Section 573.200 RSMo, Use of a Child in a Sexual Performance; Section 568.090, RSMo. as it existed prior to January 1, 2017 or Section 573.205 RSMo, Promoting a Sexual Performance by a Child; Section 573.023, RSMo., Sexual Exploitation of a Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material to Minors; or
 - b. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section; shall not serve as an athletic coach, manager or athletic trainer for any sports team in which a child less than seventeen (17) years of age is a member.

Section 215.489. Registered Sexual Offender, Halloween-Related Activities.

A. Any person first required to register as a sexual offender under Sections 589.400 to 589.425 RSMo., since 2008 shall be required on October thirty-first (31st) of each year to:

1. Avoid all Halloween-related contact with children;
2. Remain inside his or her residence between the hours of 5:00 P.M. and 10:30 P.M. unless required to be elsewhere for just cause, including, but not limited to employment or medical emergencies;
3. Post a sign at his or her residence stating "No candy or treats at this residence"; and
4. Leave all outside residential lighting off during the evening hours after 5:00 P.M.

Article X. Offenses Concerning Pornography

Section 215.490. Definitions

(Two new definitions are added and one existing definition is amended to read as follows. All other existing definitions are not amended in any way.)

EXPLICIT SEXUAL MATERIAL

Any pictorial or three-dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of post pubertal human genitals, but excluding works of art or of anthropological significance.

INDECENT

Language or material that depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs.

NUDITY or STATE OF NUDITY

The showing of the human genitals, pubic area, vulva, anus, anal cleft, or the female breast with less than a fully opaque fabric covering of any part of the nipple or areola. Body paint shall not qualify as fabric.

Section 215.500. Promoting Pornography

(Not amended in any way.)

Section 215.505. Failure to Report Child Pornography.

A person commits the offense of failure to report child pornography if he or she, being a commercial film or photographic print processor, computer provider, installer or repair person, or any internet service provider who has knowledge of or observes, within the scope of the person's professional capacity or employment, any film, photograph, videotape, negative, slide, or computer-generated image or picture depicting a person under eighteen years of age engaged in an act of sexual conduct, fails to report such instance to the City Police Department as soon as practicably possible.

Section 215.510. Furnishing Pornographic Materials To Minors

(Not amended in any way.)

Section 215.513. Public Display of Explicit Sexual Material.

A. A person commits the offense of public display of explicit sexual material if he or she recklessly:

1. Exposes, places, exhibits, or in any fashion, displays explicit sexual material in any location, whether public or private, and in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision as viewed from a street, highway, public sidewalk, or the property of others, or from any portion of the person's store, the exhibitor's store or property when items and materials other than this material are offered for sale or rent to the public; or
2. Fails to take prompt action to remove such a display from property in his or her possession after learning of its existence.

Section 215.515. Evidence in Obscenity and Pornography Cases.

A. In any prosecution under this Article evidence shall be admissible to show:

1. What the predominant appeal of the material or performance would be for ordinary adults or minors;
2. The literary, artistic, political or scientific value of the material or performance;
3. The degree of public acceptance in this State and in the local community;
4. The appeal to prurient interest in advertising or other promotion of the material or performance;
5. The purpose of the author, creator, promoter, furnisher or publisher of the material or performance.

B. Testimony of the author, creator, promoter, furnisher, publisher or expert testimony, relating to factors entering into the determination of the issues of obscenity or child pornography, shall be admissible.

C. In any prosecution under this Article, when it becomes necessary to determine a person's age, the court may make such determination by any authorized method.

Section 215.517. Obscene or Indecent Commercial Messaging.

A person commits the offense of obscene or indecent commercial messaging if he or she, by means of a telephone communication for commercial purposes, makes directly or by means of an electronic recording device, any comment, request, suggestion, or proposal which is obscene or indecent, or knowingly permits any

telephone or telephone facility connected to a local exchange telephone under such person's control to be used for obscene or indecent commercial messaging, in either case regardless of whether such person placed or initiated the telephone communication. This section is not applicable to a telecommunications company as defined in section 386.020 RSMo over whose facilities the prohibited communication is made by someone else.

Article XI. Offenses Concerning Alcohol and Drugs

Section 215.520. Possession of Marijuana

(Not amended in any way.)

Section 215.525. Prohibited Acts; Controlled or Imitation Controlled Substances

A. It is an offense for any person to distribute, deliver, or sell, or possess or manufacture with intent to distribute, deliver or sell, drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or imitation controlled substance in violation of Chapter 195 or Chapter 579 RSMo.

Section 215.530. Possession or Control of A Controlled Substance

A person commits the offense of possession of a controlled substance if he or she knowingly possesses or delivers a controlled substance, except as authorized by Chapter 195 or Chapter 579 RSMo. In any complaint, information, action or proceeding brought for the enforcement of this section, it shall not be necessary to include any exception, excuse, proviso or exemption contained in this Code or Chapter 195 or Chapter 579 RSMo, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

Section 215.535. Limitations On The Retail Sale of Methamphetamine Precursor Drugs

A. A person commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly:

1. Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than nine grams to the same individual within a thirty-day period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

2. Purchases, receives, or otherwise acquires within a thirty-day period, other than pursuant to a lawful transaction by a pharmacy with its suppliers, any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than nine grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or
3. Purchases, receives, or otherwise acquires within a twenty-four-hour period, other than pursuant to a lawful transaction by a pharmacy with its suppliers, any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than three and six-tenths grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or
4. Dispenses or offers drug products that are not excluded from Schedule V in [subsection 17](#) or [18 of section 195.017](#) RSMo and that contain detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, without ensuring that such products are located behind a pharmacy counter where the public is not permitted and that such products are dispensed by a registered pharmacist or pharmacy technician under [subsection 11 of section 195.017](#) RSMo; or
5. Holds a retail sales license issued under chapter 144 RSMo and knowingly sells or dispenses packages that do not conform to the packaging requirements of [section 195.418](#) RSMo., except that any person who violates the packaging requirements of [section 195.418](#) RSMo and is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale shall not be penalized if he or she documents that an employee training program was in place to provide the employee who made the unlawful retail sale with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

B. A pharmacist, intern pharmacist, or registered pharmacy technician commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly:

1. Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in a total amount greater than three and six-tenth grams to the same individual within a twenty-four-hour period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or
2. Sells, distributes, dispenses or otherwise provides to an individual under eighteen years of age without a valid prescription any number of packages of any drug product containing any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers, or ephedrine, its salts or optical isomers, or salts of optical isomers.

C. A person commits the offense of unlawful marketing of ephedrine or pseudoephedrine if he or she knowingly markets, sells, distributes, advertises, or labels any drug product containing ephedrine, its salts, optical isomers and salts of optical isomers, or pseudoephedrine, its salts, optical isomers and salts of optical isomers, for indication of stimulation, mental alertness, weight loss, appetite control, energy or other indications not approved under the pertinent federal over-the-counter drug Final Monograph or Tentative Final Monograph or approved new drug application.

D. A person commits the offense of possession of methamphetamine precursors if he or she knowingly possesses one or more chemicals listed in [subsection 2 of section 195.400](#) RSMo, reagents, solvents, or any other chemicals proven to be precursor ingredients of methamphetamine or amphetamine, as established by expert testimony, with the intent to manufacture, compound, convert, produce, process, prepare, test, or otherwise alter that chemical to create a controlled substance or a controlled substance analogue in violation of chapter 579 RSMo or chapter 195 RSMo. Possession of more than twenty-four grams of ephedrine or pseudoephedrine shall be prima facie evidence of intent to violate this subsection. This subsection shall not apply to any practitioner or to any product possessed in the course of a legitimate business.

Section 215.540. Unlawful Use of Drug Paraphernalia

A person commits the offense of unlawful possession of drug paraphernalia if he or she knowingly uses or possesses with intent to use drug paraphernalia as defined by Chapter 195 RSMo., to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into

the human body a controlled substance as defined by or an imitation controlled substance as defined by Chapter 195 RSMo., in violation of Chapter 195 or Chapter 579 RSMo.

Section 215.550. Inhalation or Inducing Others To Inhale Solvent Fumes To Cause Certain Reactions, Prohibited — Exceptions

No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues or induce any other person to do so for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes; except that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

Section 215.560. Inducing, or Possession With Intent To Induce, Symptoms By Use of Solvents, Prohibited

A. As used in this Section "*alcohol beverage vaporizer*" means any device which, by means of heat, a vibrating element, or any method, is capable of producing a breathable mixture containing one (1) or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.

B. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use or abuse of any of the following substances:

1. Solvents, particularly toluol;
2. Ethyl alcohol;
3. Amyl nitrite and its iso-analogues;
4. Butyl nitrite and its iso-analogues;
5. Cyclohexyl nitrite and its iso-analogues;
6. Ethyl nitrite and its iso-analogues;
7. Pentyl nitrite and its iso-analogues; and
8. Propyl nitrite and its iso-analogues.

C. This Section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.

D. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by Section 215.550 and this Section.

E. No person shall possess or use an alcoholic beverage vaporizer.

F. Nothing in this Section shall be construed to prohibit the legal consumption of intoxicating liquor.

Section 215.570. Possession or Purchase of Solvents To Aid Others in Violations, Prohibited — Violations of Sections 215.550 To 215.560 — Penalty

(Not amended in any way.)

Section 215.775. Alcoholic Beverages in Public Parks, Commercial Parking Lots, Public Recreation Fields, Consumption Prohibited.

A. *Definition.* As used in this Section, the following term shall have the following meaning:

ALCOHOLIC BEVERAGE

Any spirits, wine, beer, ale or other liquid containing more than one-half of one percent (.5%) of alcohol by volume, which is fit for beverage purposes or intended for beverage purposes.

B. No person shall consume any alcoholic beverage while in or upon any public park or public recreation field or on the commercial parking lots of any shopping center open to the public within the City.

Section 215.776. Pedestrian Drinking.

No pedestrian may drink any beer, wine or spirituous or malt liquors in or on any public street, sidewalk, alley, highway or thoroughfare, or on any parking lot open to the public except in conjunction with a street fair or similar gathering authorized by the City with specific permission for consumption of alcoholic beverages in such locations.

Article XII. Offenses Concerning Minors

Section 215.580. Article Definitions

(Not amended in any way.)

Section 215.590. Curfew; Unlawful for Parents, Guardians, Etc., TO Permit Violations; and Procedure Upon Violation

A. (Not amended in any way.)

B. It shall be unlawful for any parent, guardian or other adult person having the care and custody of a minor under the age of seventeen (17) years shall

knowingly, or with reason to know, permit such minor to violate the provisions of Subsection (A).

C. (Not amended in any way.)

Section 215.600. Parental Responsibility. (Repealed.)

Section 215.605. Failure To Supervise Minor.

A. *Definitions.* For the purpose of this Section, the following definitions shall apply:

ALCOHOLIC BEVERAGES

Any beverage constituting intoxicating liquor, light wines, malt liquor or non-intoxicating beer, as those terms are defined in Chapter 600 of the Municipal Code of the City of Clayton.

CONTROLLED SUBSTANCE

Any drug, substance or immediate precursor defined or described as such in Section 195.010, RSMo. (2000) as may be amended or revised from time to time.

DELIVERY OF ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES

The gift or exchange of an alcoholic beverage or controlled substance from one person to another.

MINOR

Any person under the age of twenty-one (21) years.

PARENT

A natural or adoptive parent, or a guardian, or the adult designee of either of them.

PARTY, GATHERING OR EVENT

An assemblage or a group of persons for a social occasion or for a social activity.

PERSON IN CONTROL OF THE PREMISES

An adult who owns, leases, rents or is otherwise the lawful occupant of any premises or the adult designee thereof.

PRACTITIONER

Any medical professional or other person as defined or described in Section 195.010, RSMo. (2000) as may be amended or revised from time to time.

B. *Use Of Premises For Consumption Of Alcoholic Beverages Or Controlled Substances.* It shall be unlawful for any person to knowingly or negligently permit, allow or host, on or in a premises under his or her control, the

consumption of alcoholic beverages or controlled substances by a minor; except that this Section shall not apply to the following:

1. The delivery of alcoholic beverages to a minor or the consumption of alcoholic beverages by a minor in connection with the performance of any bona fide religious service under the supervision of an adult, with the consent of the person in control of the premises.
2. The delivery of an alcoholic beverage to a minor by that minor's parent and under the direct supervision of the parent.
3. The possession or consumption of or the delivery to a minor of a controlled substance prescribed for that minor by a practitioner when such delivery by that minor's parent or by the person in control of the premises, provided that he or she has obtained the prior consent of that minor's parent.

C. *Rental Of A Premises.* It shall be unlawful for any owner, agent, employee or contractor thereof to rent any room, rooms, apartment or any building or portion of a building to a minor or to any adult when it is reasonably foreseeable that said adult, or his or her adult designee, will leave the said premises or reasonably foreseeable that said premises may be used for a gathering at which alcoholic beverages or controlled substances may be in possession of or consumed by minors except as otherwise provided in this Chapter.

D. *Duty To Disperse — Police Services, Fees for Police Services.*

1. Any person in control of a premises at which alcoholic beverages or controlled substances are in the possession of or are being consumed by minors, or his or her adult designee, shall cause all persons in or on said premises who are not lawful residents thereof to disperse not more than fifteen (15) minutes after personally receiving an order to do so issued by a Peace Officer.
2. When a party, gathering or event occurs on private property and a Police Officer at the scene determines that there is a threat to the public peace, health, safety or general welfare, the person or persons responsible for the party, gathering or event will be held liable for the cost of providing Police services during a second (2nd) or follow-up response by the Police after a first (1st) warning to the person or persons responsible for the party, gathering or event. The second (2nd) or follow-up response may also result in the arrest and/or citation of violators pursuant to State law or other provisions of this Code.

3. The Police services fee shall include the cost of personnel and equipment but shall not exceed five hundred dollars (\$500.00) for a single incident provided, however, that the City does not waive its right to seek reimbursement for actual costs exceeding five hundred dollars (\$500.00) through other legal remedies. The amount of such fees shall be deemed a debt owed to the City by the person responsible for the party, gathering or event. If such persons are minors, their parents or guardians shall be responsible for such debt. Any person owing such fees to the City shall be liable in an action brought in the name of the City for recovery of such fees, including reasonable attorney's fees.

E. *Penalty.* Any person or persons convicted of violating the provisions of this Section shall be fined an amount not to exceed five hundred dollars (\$500.00) for each offense; except that for third (3rd) and subsequent violations by the same person or persons, the fine shall not be less than one thousand dollars (\$1,000.00) for each offense.

Section 215.607. Penalties.

A. Any parent, guardian or other person who violates Section 215.905 of this Article after having received notice of the first (1st) violation, as described in Section 215.590 of this Article, shall upon conviction be subject to punishment as provided in Section 100.150 of this Code.

B. Any person under the age of seventeen (17) years who violates Section 215.590 of this Article after having received notice of the first (1st) violation, shall be dealt with in accordance with the juvenile laws of the State.

Article XIII. Offenses Concerning Tobacco

Section 215.610. Definitions

(Two new definitions are added to read as follows. All existing definitions are not amended in any way.)

ALTERNATIVE NICOTINE PRODUCT

Any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. Alternative nicotine product does not include any vapor product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

VAPOR PRODUCT

Any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical or

mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include any alternative nicotine product or tobacco product.

Section 215.620. Unlawful To Sell or Distribute Tobacco Products, Alternative Nicotine Products, Vapor Products, or Rolling Papers To Minors — Vending Machine Requirements

A. It shall be unlawful for any person to sell, provide or distribute tobacco products, alternative nicotine products, vapor products, or rolling papers to persons under eighteen (18) years of age.

B. All vending machines that dispense tobacco products, alternative nicotine products, vapor products, or rolling papers shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than eighteen (18) years of age from purchasing any tobacco product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than eighteen (18) years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalties contained in Subsection (E) of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Liquor Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.

C. No person or entity shall sell, provide or distribute any tobacco, alternative nicotine product, vapor product, or rolling papers to any minor or sell any individual cigarettes to any person in this State. This Subsection shall not apply to the distribution by family members on property that is not open to the public.

D. Any person, including, but not limited to, a sales clerk, owner or operator, who violates Subsections (A), (B) or (C) of this Section or Section 215.650 of this Article shall be penalized as follows:

1. For the first (1st) offense, twenty-five dollars (\$25.00);
2. For the second (2nd) offense, one hundred dollars (\$100.00); and

3. For a third (3rd) and subsequent offense, two hundred fifty dollars (\$250.00).

E. Any owner of the establishment where tobacco products, alternative nicotine products, vapor products, or rolling papers are available for sale who violates Subsection (C) of this Section shall not be penalized pursuant to this Section if such person documents the following:

1. An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the State and Federal regulations regarding tobacco sales to minors. Such training program must be attended by all employees who sell tobacco products to the general public;
2. A signed statement by the employee stating that the employee has been trained and understands the State laws and Federal regulations regarding the sale of tobacco to minors; and
3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90) minutes in length, established by the Division of Alcohol and Tobacco Control.

F. The exemption in Subsection (E) of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products are available for sale if:

1. 1. Four (4) or more violations per location of Subsection (C) of this Section occur within a one (1) year period; or
2. 2. Such person knowingly violates or knowingly allows his/her employees to violate Subsection (C) of this Section.

G. If a sale is made by an employee of the owner of an establishment in violation of this Article, the employee shall be guilty of an offense established in Subsections (A), (B) and (C) of this Section. If a vending machine is in violation of Section 215.650, the owner of the establishment shall be guilty of an offense established in Subsections (C) and (D) of this Section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subsections (C) and (D) of this Section.

H. A person cited for selling, providing or distributing any tobacco product to any individual less than eighteen (18) years of age in violation of Subsections (A), (B) or (C) of this Section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that such individual presented a driver's license or other government-issued

photo identification purporting to establish that such individual was eighteen (18) years of age or older.

I. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621, RSMo.

Section 215.630. Minors Prohibited From Purchase or Possession of Tobacco Products, Alternative Nicotine Products, Vapor Products or Rolling Papers — Misrepresentation of Age

A. No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes, other tobacco products, alternative nicotine products, vapor products, or rolling papers unless such person is an employee of a seller of cigarettes or tobacco products and is in such possession to effect a sale in the course of employment or an employee of the Division of Liquor Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.

B. Any person less than eighteen (18) years of age shall not misrepresent his/her age to purchase cigarettes, tobacco products, alternative nicotine products, vapor products, or rolling papers.

C. Any person who violates the provisions of this Section shall be penalized as follows:

1. For the first (1st) violation, the person is guilty of an infraction and shall have any cigarettes, tobacco products, alternative nicotine products, vapor products, or rolling papers confiscated;
2. For a second (2nd) violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes, tobacco products, alternative nicotine products, vapor products, or rolling papers confiscated and shall complete a tobacco education or smoking cessation program, if available.

Section 215.640. Retail Sales Tax License Required For Sale of Tobacco Products, Alternative Nicotine Products, Vapor Products or Rolling Papers.

No person shall sell cigarettes, tobacco products, alternative nicotine products, vapor products, or rolling papers unless the person has a retail sales tax license.

Section 215.650. Required Sign Stating Violation of State Law To Sell Tobacco To Minors Under Age Eighteen — Display of Sign Required Where

(Not amended in any way.)

Section 215.660. Restrictions On Sales of Individual Packs of Cigarettes

(Not amended in any way.)

Section 215.670. Proof of Age Required — When Defense To Action For Violation Is Reasonable Reliance On Proof — Liability

A. A person or entity selling tobacco products, alternative nicotine products, vapor products, or rolling papers or distributing tobacco product, alternative nicotine product, or vapor product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18) years.

B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of Liquor or any owner or employee of an establishment that sells tobacco, alternative nicotine products, vapor products, or rolling papers for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least eighteen (18) years of age when such person desires to purchase or possess tobacco products, alternative nicotine products, vapor products, or rolling papers procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.

C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of a misdemeanor.

D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections (A), (B) and (C) of Section 215.620 of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 215.620 on any single day.

Section 215.680. Smoking Prohibited in Public Places — Responsibilities of Proprietors and Others — Exceptions

(Not amended in any way.)

Section 215.681. Smoking Prohibited On City Property

(Not amended in any way.)

Article XIV. Domestic and Family Violence

Section 215.690. Construction

(Not amended in any way.)

Section 215.695. Definitions — General

(Not amended in any way.)

Section 215.700. Prohibited Conduct With Regard To Ex Parte or Full Orders of Protection

(Not amended in any way.)

Section 215.705. Reports of Domestic or Family Violence or Violation of Orders of Protection and Arrest Therefor

(Not amended in any way.)

Section 215.710. Domestic Harassment

(Not amended in any way.)

Section 215.715. Domestic Stalking

(Not amended in any way.)

Section 215.720. Domestic Tampering — Witness or Victim

(Not amended in any way.)

Section 215.725. Law Enforcement Officer May Seize Weapons

(Not amended in any way.)

Section 215.730. Advocate — Victim Privilege Applicable in Cases Involving Domestic or Family Violence

(Not amended in any way.)

Section 215.735. Conditions of Probation For Perpetrator Convicted of Crime Involving Domestic or Family Violence — Required Reports By Probation Department

(Not amended in any way.)

Article XV. Stalking, Harassment and Cyber-Harassment

Section 215.740. Definitions — Determination of Location of Offense

(Not amended in any way.)

Section 215.745. Stalking

(Not amended in any way.)

Section 215.750. Harassment

(Not amended in any way.)

Article XVI. Noises

Section 215.760. Unreasonably Loud, Etc., Noises Prohibited

(Not amended in any way.)

Section 215.765. Enumeration of Prohibited Noises

(Not amended in any way.)

Article XVII. Miscellaneous Offenses

Section 215.770. Begging

(Not amended in any way.)

Section 215.775. Vehicles — Pollution From Operation of Motor Vehicles Prohibited

(Not amended in any way.)

Section 215.780. Obstructing Public Places

(Not amended in any way.)

Section 215.790. Park Hours

(Not amended in any way.)

Article XVIII. Alarm Systems

Section 215.800. Purpose — Scope of Article

(Not amended in any way.)

Section 215.810. Definitions

(Not amended in any way.)

Section 215.820. Automatic Dialing Device — Programming

(Not amended in any way.)

Section 215.830. Audible Alarm Cutoff

(Not amended in any way.)

Section 215.840. Alarm Business — Operational Instruction

(Not amended in any way.)

Section 215.850. Alarm System — Standards

(Not amended in any way.)

Section 215.860. Alarm System — Repair Service

(Not amended in any way.)

Section 215.870. Alarm User Responsibilities

(Not amended in any way.)

Section 215.880. Enforcement

(Not amended in any way.)

Section 215.890. Non-Liability of City

(Not amended in any way.)

Section 215.900. False Alarms

(Not amended in any way.)

Section 215.910. Licensing

(Not amended in any way.)

Section 215.920. Severability

(Not amended in any way.)

Section 215.930. Violations, Penalties

(Not amended in any way.)

Section Two. This ordinance shall become effective and be in full force and effect on January 1, 2017.

ADOPTED THIS ____DAY OF _____, 2016.

Mayor

Attest:

City Clerk



City Manager
10 N. Bemiston Avenue
Clayton, MO 63105

REQUEST FOR BOARD ACTION

TO: MAYOR SANGER; BOARD OF ALDERMEN
FROM: CRAIG S. OWENS, CITY MANAGER (CSO)
JANET K. WATSON, DIRECTOR OF FINANCE AND ADMINISTRATION
DATE: JANUARY 10, 2016
SUBJECT: ORDINANCE – 4TH QUARTER AMENDMENT TO THE FISCAL YEAR 2016 BUDGET

The City of Clayton reviews and makes adjustments to its budgeted revenues and expenditures on a quarterly basis to respond to changes as the fiscal year progresses and to update the Board regarding budgetary issues. As part of the quarterly budget review, staff is presenting for your consideration the fourth and final amendment to the Fiscal Year 2016 (FY16) budget which results in an increase in fund balance of \$1.5 million to all funds throughout the year. This amendment consists of various aspects of operations, equipment replacements, capital projects and debt. Most of the large items are related to adjustments to positive bid results and timing of projects including the transfer of bond funds for construction.

This amendment maintains a surplus in the General Fund. As a reminder, the 4th Quarter Financial Report will be presented at the next Board meeting. The proposed amendment is summarized in the table below:

<u>ALL FUNDS</u>	FY 2016 Original Budget	Amendments Previously Approved	FY 2016 4th Quarter Amendment Requested	FY 2016 Budget After This Amendment	% Change
Beginning Fund Balance	\$88,644,907			\$88,644,907	
Revenues	\$51,222,642	\$16,652	\$78,775	\$51,318,069	0.2%
Expenditures	<u>\$55,212,296</u>	<u>\$1,704,724</u>	<u>(\$7,160,053)</u>	<u>\$49,756,967</u>	-9.9%
Net Change		(\$1,688,072)	\$7,238,828		
Ending Fund Balance	\$84,655,253			\$90,206,009	

Below are further explanations, presented by fund, of the items included in this amendment.

General Fund

Revenue – Net Decrease of \$583,500

- Property Tax – Receipts were less than planned by \$375,000, mostly due to the resolution of protest cases.

- Utility Taxes – A warmer winter generated less electric (\$60,000) and gas (\$80,000) utilities; and telephone utilities are lower by \$70,000 due to a variety of issues related to phone versus data charges and loss of land lines.
- Inclusion Coordinator Reimbursement – Adds reimbursement from other cities of \$8,500 for the part-time coordinator until a full-time position is hired.
- Recreation Revenue – Sale of Shaw Park Aquatic Center season passes were less than anticipated by \$29,500, along with reduced concessions of \$15,000; and youth leagues were stronger than anticipated by \$11,500.
- Court Fines and Fees – Municipal court fines and related fees were less than planned by \$167,000 due to changes in policing and court procedures. We have now had a full year's impact from these changes.

Expenditures – Net Decrease of \$426,100

- Salaries – Small turnover in several departments resulted in salary savings of \$76,000 in addition to reductions shown earlier in the year; there was a reduction of \$11,700 in needed sports officials; and savings of \$22,000 was experienced on medical insurance contributions based on employee choices.
- Planning & Development – Part-time salaries of \$20,000 were eliminated when a full-time employee was hired during the year. Less contracted plan review of \$25,000 was needed versus the budgeted amount, although FY17 needs will remain high.
- City Manager's Office – Legal expenses were greater than planned by \$32,000 due to the length of union negotiations, and printing and office supplies were greater by \$3,800 than anticipated due to additional public meetings.
- Information Technology – There were savings on certain projects, some items were not purchased, and in addition some projects were delayed to FY17. The amount of these reductions is \$45,000 in maintenance and \$90,000 in contractual services.
- Police – There were savings in several areas including less stress tests needed of \$8,600, maintenance supplies of \$5,300, prisoner housing being used less for a savings of \$13,000, less uniform replacements were needed of \$4,800, and travel and training plans were restricted due to debate planning for a reduction of \$12,000.
- Fire – The shared training officer program did not start until FY17 for a savings of \$25,000.
- Public Works – Overtime was less than planned of \$25,000 for street maintenance due to less large snow events; tree replacements of \$10,000 were delayed to next year related to the movement of the Emerald Ash Borer program; developers replaced needed tree grates for a savings of \$10,000; smoke detectors and fire alarm panels were moved to next year for a reduction of \$19,000; and the completion of the Bonhomme Garage surveillance camera project which will occur next year and other eliminated work resulted in a \$25,000 reduction.
- Parks & Recreation – The decision was made to not perform the senior survey for a savings of \$10,000, and less maintenance work was needed for the ice rink this year of \$4,500.

Equipment Replacement Fund

Revenue – Net Increase of \$1,744,217

- Sale of Assets – The City sold a parking lot for \$4,000,000 of which \$1,744,217 was contributed to shore up the Equipment Replacement Fund for the many items which have been added to the replacement plan over the last few years and for a few of the larger vehicles which had cost increases beyond our estimation. These amounts were being caught up each year and with this contribution, there is an annual savings to the Capital Improvement and the General Fund.

Expenditures – Net Decrease of \$450,660

- Vehicles and Equipment – The receipt of two budgeted parking control vehicles did not occur until FY17 for a reduction \$70,660, and three new parking kiosks were moved forward into FY16 for replacement along with the updating of 15 current kiosks to prepare for the rollout of the new parking system and policies.
- Technology Projects – The financial management system replacement and a few other smaller projects were moved to FY17 for a total reduction of \$439,000.

Capital Improvement Fund

Revenue – Net Decrease of \$1,011,942

- Sale of Assets - The City sold a parking lot for \$4,000,000 of which \$2,255,783 was contributed to this fund.
- Grants – CDBG federal grant work for enhanced ADA curb ramps will occur next year of \$22,725, and the Chapman Plaza project was slightly delayed and now will mostly occur in FY17 and therefore donations of \$700,000 were not yet needed.
- Bond Transfers-in – Less bond proceeds will need to be transferred-in this year due to positive bid results and the timing of construction for a total reduction of \$2,549,000.

Expenditures – Net Decrease of \$3,737,793

- Park projects – The final costs on Taylor Park of \$10,300 and Hanley Park of \$11,500 will be spent in FY17, and Chapman Plaza construction began later than anticipated and will carry over to FY17.
- Traffic Signal and Signage – Traffic signal detection replacement of \$100,000 and the implementation of the wayfinding project of \$420,800 will be carried over to FY17.
- Facilities – Several smaller projects either came in under budget or will be completed in FY17 for a reduction of \$485,180, and the Brentwood building elevator modernization for \$912,820 will also occur in FY17.
- Street Resurfacing and Alley Improvements – Alley improvements will finalize in FY17 and due to positive bid results FY16 will incur a reduction of \$55,900. The first phase of neighborhood resurfacing is complete and the second phase was very near completion in FY16. Due to positive bid results and better than expected concrete bases, a savings occurred of \$1,107,900 with a small amount of that needing to be carried over to FY17 for some final billing. The third phase of neighborhood resurfacing and Brentwood Blvd. resurfacing design also had a net reduction of \$10,000 as the designs started later than anticipated.

Debt Service Fund

Revenue - Net Decrease of \$66,000

- Property Tax – Receipts of \$66,000 were less than anticipated, mostly due to protests.

Expenditure – Net Decrease of \$4,614,553

- Bond Transfers-out – Less bond proceeds will need to be transferred-out this year due to positive bid results and the timing of construction for a total reduction of \$2,549,000.
- Misc. Debt Fund Changes – Professional fees were less than planned of \$4,000 and \$7,500 additional funds were transferred to close out a matured bond fund.

An ordinance is attached incorporating these recommended amendments to the FY16 budget. Exhibit 1-1 provides a fund summary of the effect of the recommended amendments and the percentage effect of the accumulated amendment on each fund. Exhibit 1-2 lists the individual budget line items in this quarter's amendment.

Recommendation: To approve the attached ordinance adopting an amendment to the FY16 budget with a net effect on the City's fund balances of a net increase of \$7,238,828.

BILL NO. 6598

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET
AND APPROPRIATING FUNDS PURSUANT THERETO**

WHEREAS, the Board of Aldermen on September 8, 2015, adopted the annual budget for Fiscal Year 2016 commencing October 1, 2015; and

WHEREAS, the Fiscal Year 2016 budget was amended on February 9, 2016, May 24, 2016, and August 23, 2016 for significant changes in revenue and expenditures on a fund basis that may affect the budget by year end; and

WHEREAS, the Fiscal Year 2016 budget is to be amended in the 4th quarter to account for significant changes in revenue and expenditures on a fund basis that may affect the budget by year end; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

Section 1. The annual Fiscal Year 2016 (FY16) budget for the City of Clayton, Missouri commencing on October 1, 2015, is hereby amended as reported in Exhibit 1 and summarized below:

	FY 2016 Original Budget	Amendments Previously Approved	FY 2016 4th Quarter Amendment Requested	FY 2016 Budget After This Amendment
Revenues	\$51,222,642	\$16,652	\$78,775	\$51,318,069
Expenditures	\$55,212,296	\$1,704,724	(\$7,160,053)	\$49,756,967

Section 2. Funds are hereby appropriated as set forth in said Exhibit 1. The expenditure of the funds so appropriated shall be subject to the control of the City Manager.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen.

Passed this ____ day of January, 2017.

Mayor

ATTEST:

City Clerk

City of Clayton
4th Quarter Fiscal Year FY 16 Budget Amendment

Exhibit 1-1

Fund	Fund Name	Type	FY16 Original Budget	1st Quarter Amendment	2nd Quarter Amendment	3rd Quarter Amendment	4th Quarter Amendment	FY16 After Amendment	% Change
10	General	Beg. Fund Balance	16,363,124					16,363,124	
		Revenues	25,780,333	2,000	(132,104)	14,500	(583,500)	25,081,229	-2.7%
		Expenditures	25,774,004	(1,289)	(195,004)	(152,254)	(426,100)	24,999,357	-3.0%
		Ending Fund Balance	16,369,453	3,289	62,900	166,754	(157,400)	16,444,996	0.5%
12	Sewer Lateral	Beg. Fund Balance	130,824					130,824	
		Revenues	91,150	0	0	0	0	91,150	0.0%
		Expenditures	120,000	0	0	0	0	120,000	0.0%
		Ending Fund Balance	101,974	0	0	0	0	101,974	0.0%
45	Special Business District	Beg. Fund Balance	171,340					171,340	
		Revenues	424,194	0	16,000	0	0	440,194	3.8%
		Expenditures	474,194	0	0	0	0	474,194	0.0%
		Ending Fund Balance	121,340	0	16,000	0	0	137,340	13.2%
50	Equipment Replacement	Beg. Fund Balance	3,458,922					3,458,922	
		Revenues	1,464,589	0	8,460	(30,700)	1,744,217	3,186,566	117.6%
		Expenditures	2,063,498	142,960	16,360	37,000	(450,660)	1,809,158	-12.3%
		Ending Fund Balance	2,860,013	(142,960)	(7,900)	(67,700)	2,194,877	4,836,330	69.1%
60	Capital Improvement	Beg. Fund Balance	3,534,395					3,534,395	
		Revenues	12,783,314	3,149,500	(1,664,328)	(1,339,832)	(1,015,942)	11,912,712	-6.8%
		Expenditures	13,557,697	4,374,500	(2,764,885)	(1,539,832)	(3,737,793)	9,889,687	-27.1%
		Ending Fund Balance	2,760,012	(1,225,000)	1,100,557	200,000	2,721,851	5,557,420	101.4%
All	Debt Service	Beg. Fund Balance	15,404,010					15,404,010	
		Revenues	4,911,220	0	0	0	(66,000)	4,845,220	-1.3%
		Expenditures	10,240,963	3,127,000	0	(1,339,832)	(2,545,500)	9,482,631	-7.4%
		Ending Fund Balance	10,074,267	(3,127,000)	0	1,339,832	2,479,500	10,766,599	6.9%
30	Uniformed Pension	Beg. Fund Balance	35,211,931					35,211,931	
		Revenues	3,960,742	0	0	0	0	3,960,742	0.0%
		Expenditures	2,296,200	0	0	0	0	2,296,200	0.0%
		Ending Fund Balance	36,876,473	0	0		0	36,876,473	0.0%
40	Non- Uniformed Pension	Beg. Fund Balance	14,370,361					14,370,361	
		Revenues	1,807,100	(6,844)	0	0	0	1,800,256	-0.4%
		Expenditures	685,740	0	0	0	0	685,740	0.0%
		Ending Fund Balance	15,491,721	(6,844)	0		0	15,484,877	0.0%
		Beg. Fund Balance	88,644,907					88,644,907	
		TOTAL REVENUES	51,222,642	3,144,656	(1,771,972)	(1,356,032)	78,775	51,318,069	0.2%
		TOTAL EXPENDITURES	55,212,296	7,643,171	(2,943,529)	(2,994,918)	(7,160,053)	49,756,967	-9.9%
		Ending Fund Balance	84,655,253	(4,498,515)	1,171,557	1,638,886	7,238,828	90,206,009	6.6%

City of Clayton
4th Quarter Budget Amendment - FY 2016

Exhibit 1-2

Account #	Account Name	4th Quarter Amendment	Description
<u>Revenue</u>			
GENERAL FUND			
10R00001010000	Real Property Tax - Current	(345,000)	Property tax was less than planned due to the resolution of protest cases.
10R00001020000	Real Property Tax - Delinquent	(30,000)	
10R00003010000	Electric Utilities	(60,000)	Utility gross receipts tax was less than planned on most categories of utilities, especially due to The warmer winter.
10R00003020000	Gas Utilities	(80,000)	
10R00003040000	Telephone Utilities	(70,000)	
10R00003650000	Inclusion Coordinator Reimb.	8,500	Adds grant reimbursement for part-time coordinator.
10R00004010000	SP Aquatics- Family Res. Pass	(17,000)	Sale of season passes to the Shaw Park Aquatic Center were less than anticipated as well as concessions, and youth leagues were stronger than anticipated.
10R00004020001	SP Aquatics – Corp. Res. Pass	(12,500)	
10R00004050000	Aquatic Concessions	(15,000)	
10R00004440110	Leagues - Youth	11,500	
10R00005020000	Fines - Municipal Court	(150,000)	Municipal court fines and fees were less than planned due to changes in policing and court procedures.
10R00005070000	Court Fees	(17,000)	
10R00002500001	Bonhomme Garage	50,000	Bonhomme Garage revenue was higher than Planned and meter rentals were up due to development activity.
10R00005750000	Parking Meter Rental	50,000	
10R00007070000	Other Income	93,000	City received a surplus distribution from the SLAIT insurance pool for workers compensation and liability claims for several past years.
EQUIPMENT REPLACEMENT FUND			
50R00007030000	Gain/Loss on Sale of Assets	1,744,217	A portion of funds from the sale of a parking lot were contributed to this fund to enhance the fund balance.
CAPITAL IMPROVEMENTS FUND			
60R00007480000	Gain/Loss on Sale of Assets	2,255,783	A portion of funds from the sale of a parking lot were contributed to this fund to enhance the fund balance.
60R00003580000	Federal Grants	(22,725)	ADA ramp work will occur in FY17.
60R00003580002	Other Grants & Donations	(700,000)	The Chapman Plaza project was slightly delayed, therefore less donations were needed in FY16.
60R00009330000	Transfer-in from 2014 General Obligation Bonds	(2,549,000)	Portions of the bond projects were delayed and final costs will be incurred in FY17.
DEBT SERVICE FUNDS			
91R00001010000	Real Property Tax - Current	(40,000)	Property tax receipts were less than planned, Mostly due to protests.
91R00001020000	Real Property Tax - Delinquent	(14,000)	
91R00001030000	Personal Property Tax - Current	(12,000)	

Total Revenue Amendment \$78,775

Account #	Account Name	4th Quarter Amendment	Description
Expenditures			
GENERAL FUND			
10X11011010000	Full-time Salaries - Finance	(9,000)	Salaries were less than planned in various departments due to vacancies and turnover, as well as part-time salaries and employee medical contributions were less than planned in certain departments.
10X11021010000	Full-time Salaries - IT	(15,000)	
10X10031010000	Full-time Salaries - Court	(10,000)	
10X13001010000	Full-time Salaries - Fire	(30,000)	
10X16011010000	Full-time Salaries - P & R Admin.	(12,000)	
10X16081030200	Part-time Adult Official - Sports	(6,300)	
10X16081030201	Part-time Youth Official - Sports	(5,400)	
10X11011200000	Medical Insurance - Finance	(12,000)	
10X10031200000	Medical Insurance - Court	(10,000)	
10X10081030000	Part-time Salaries - Planning	(20,000)	Part-time salaries were eliminated when a full-time employee was hired during the year, and less outside plan review was needed than originally planned but FY17 will incur significant plan review costs.
10X10082010000	Professional Services	(25,000)	
10X10062010000	Legal Exp. - City Manager Office	32,000	Legal expenses were greater than planned due to The length of union negotiations, and printing and office supplies were greater than anticipated due to more public meetings.
10X10062160000	Printing	2,800	
10X10063010000	Office Supplies	1,000	
10X11022370000	Maintenance & Repair - IT	(45,000)	There were savings on certain projects and some were items were not purchased. In addition, some projects were delayed to FY17.
10X11022700000	Contractual Services	(90,000)	
10X12002030000	Medical Services - Police	(8,600)	Less stress tests, maintenance supplies and uniform replacements were needed than planned. Prisoner housing was used less and travel and training plans were restricted due to debate planning.
10X12002090000	Misc. Outside Personal Services	(13,000)	
10X12002130000	Travel & Training	(12,000)	
10X12002370000	Maintenance & Repair	(5,300)	
10X12003160000	Clothing & Uniforms	(4,800)	
10X13002700000	Contractual Services - Fire	(25,000)	Shared training officer program did not start until FY17.
10X14031020000	Overtime - Public Works	(25,000)	Overtime was less than planned; tree purchases were delayed to FY17 related to the EAB program; less tree grates were needed due to development activity; alarm panels were delayed to FY17; and Bonhomme garage surveillance cameras were installed in FY17.
10X14033170000	Agriculture Supplies	(10,000)	
10X14033260000	Rock, Cement/Concrete Products	(10,000)	
10X14045020000	Buildings, Structures & Impr.	(19,000)	
10X14062700003	Contractual - Bonhomme Gar.	(25,000)	
10X16012700000	Contractual - Parks & Rec	(10,000)	Senior survey did not occur and less maintenance was needed for the ice rink.
10X16042370000	Maintenance & Repair Equipment	(4,500)	
EQUIPMENT REPLACEMENT FUND			
50X00005040200	Rolling Stock - Parking Control	(70,660)	The receipt of 2 budgeted parking control vehicles was delayed until FY17; moved 3 new parking kiosks forward into FY16 and updated 15 current kiosks to prepare for the new parking system rollout.
50X00005061406	Equipment - Parking	59,000	
50X11022700000	IT Projects - Contractual	(202,000)	Several large projects were moved to FY17, some savings occurred and certain projects were eliminated.
50X11025030000	Equipment	(82,000)	
50X11025200000	Software	(155,000)	

Account #	Account Name	4th Quarter Amendment	Description
CAPITAL IMPROVEMENT FUND			
60X16006440000 60X16006600000 60X16006530000	Taylor Park Hanley House Maintenance Shaw Park	(10,300) (11,500) (623,400)	Final costs on Taylor Park and Hanley House Park will occur in FY17, and Chapman Plaza work began later than anticipated and will carry over to FY17.
60X01006110000	Traffic Signal/Signage Improvements	(520,800)	Traffic signal detection replacement and most of the wayfinding project implementation costs will occur in FY17.
60X01006250000	Facility Improvements	(1,398,000)	Several projects were delayed to FY17, came in under budget or did not occur, most notably the elevator modernization at the Brentwood building will occur in FY17.
60X03006130000 60X03006150000	Alley Improvements - Bonds Street Resurfacing - Bonds	(55,893) (1,117,900)	Alley improvements and the first phase of the bond funded street resurfacing project were under budget. There were also savings on the second phase of resurfacing which completed recently. Some design costs on the third phase of resurfacing and the Brentwood Blvd. design will be moved to FY17.
DEBT FUNDS			
56X00002700000 59X00002700000 59X00009250000	Professional Services Professional Services Transfer to Capital Fund	1,000 (5,000) 7,500	Professional services on bond issuances less than planned, and the final 2011 bond funds were transferred for construction.
55X00009250000	Transfer Bond Proceeds from 2014 General Obligation Bonds	(2,549,000)	Projects were delayed from the 2014 General Obligation bonds, therefore less funds were needed to be transferred for construction.
Total Expenditure Amendment		(7,160,053)	